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No. 71

House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. LAHOOD).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 4, 2002.

I hereby appoint the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, You know our comings and our goings, You create an awareness of the inner world, as well as the mystery of everything external that contains the energy of life.

As Members of Congress return today to do their work, be with them in every decision which will guide our Nation's health and purpose.

Bent over by our memorializing this past week, we lean into Your mercy. For to remember brings to mind our bloody past as well as the victory of freedom over oppression. Images of planes, cemeteries and graduations combine to raise questions regarding the fullness of life and the weight of justice.

Distant memory of war-filled veterans dance with near vibrant figures of 9-11's victims as the House remembers itself. Make us a living body of hope in a world gripped by fear of numbers beyond zero, disgusted by continuing retaliations and rumors of mountain war.

May memorial bring to life Your steadfast love to guide our destiny now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Indiana (Mr. ROEMER) come forward and lead the House in the Pledge of Allegiance.

Mr. ROEMER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 1366. An Act to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the "Hector G. Godinez Post Office Building".

H.R. 1374. An Act to designate the facility of United States Postal Service located at 600 Calumet Street in Lake Linden, Michigan, as the "Philip E. Ruppe Post Office Building".

H.R. 3789. An Act to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the "Teno Roncalio Post Office Building".

H.R. 3960. An Act to designate the facility of the United States Postal Service located at 3719 Highway 4 in Jay, Florida, as the "Joseph W. Westmoreland Post Office Building".

H.R. 4486. An Act to designate the facility of the United States Postal Service located at 1590 East Joyce Boulevard in Fayetteville, Arkansas, as the "Clarence B. Craft Post Office Building".

The message also announced that the Senate has passed with an amendment

in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3009. An Act to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

The message also announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 1983. An Act to designate the facility of the United States Postal Service located at 201 Main Street, Lake Placid, New York, as the "John A. 'Jack' Shea Post Office Building".

S. Con. Res. 109. Concurrent resolution commemorating the independence of East Timor, and for other purposes.

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TODAY

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERMANENT DEATH TAX REPEAL

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, in politics, money often equals power. When Washington takes more money from the American people, the government becomes more powerful and the people lose just as much control over their own lives.

A year ago, Congress took the dramatic step of returning power to the people. We passed the largest tax relief package since the Reagan administration, and it was relief that benefitted

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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every American taxpayer. But because there was liberal opposition in the Senate, we had to agree to a sunset provision. In 10 years, the marriage penalty, the death tax, and a whole host of other taxes will shoot right back up to where they were unless we make them permanent.

This week, we will be voting to make the death tax repeal permanent. For years, the death tax has taken as much as 55 to 60 percent of the value of a family farm or small business just to pay the taxes. This is a terrible tax and we should get rid of it for good.

I encourage my colleagues to support this bill, return power to the American people, and get rid of the death tax once and for all.

PRESCRIPTION DRUG BENEFIT

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, we all know that today prescription drugs are a fact of life and a fact of death. The average American senior uses 18 prescription drugs each year, and the cost of those lifesaving drugs keeps going up.

That is why it is our responsibility as Members of Congress to enact a comprehensive prescription drug benefit plan, but it must be a plan that benefits all seniors and that it is not the kind of plan that our GOP leadership has proposed. Under their plan, only some seniors in limited scenarios will actually benefit.

Seniors should be spending time with their grandchildren, not trying to figure out how to pay for the medicines they need to live. Let us not make Americans' golden years, when they are seniors, into their darkest years, forcing them to choose between paying for food and paying for their medication. Seniors deserve better than that.

My Republican colleagues need to stop stalling. They need to come up with a meaningful proposal. They need to start helping seniors by providing a real prescription drug benefit.

HUNTINGTON'S DISEASE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to draw attention to a disease which affects thousands of people in the United States. Approximately 30,000 people in the United States suffer from Huntington's Disease. Each child of a parent with Huntington's Disease has a 50 percent risk of inheriting the illness, meaning that there are more than 200,000 individuals who are at risk today.

Huntington's Disease results from a genetically programmed degeneration of nerve cells in certain parts of the brain. While medication is available to

help control symptoms of Huntington's Disease, there is no treatment to stop or reverse the course of the disease.

I would like to commend Dr. Ruth Abramson of Columbia, South Carolina, for her leadership and dedication in the fight against Huntington's Disease.

I encourage the American people to be aware of their own family histories, to be aware of the issues in genetic testing, and to advocate for families with Huntington's Disease in their communities, such as the Wayne and Ouida Dell family of Ridgeland, South Carolina. I also call on my colleagues in the House to join me in this effort to find a cure for those suffering from this disease.

MAKE TAX RELIEF PERMANENT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today this House will consider two bills under suspension which will make parts of the tax relief package that we passed last year permanent. I encourage all my colleagues to support these bills and to support making last year's tax relief bill permanent in its entirety.

By not doing so, we will force thousands of married couples to once again pay the unfair marriage penalty tax beginning in 2010. We will force thousands of small business owners to sell their companies for fear that they will not be able to afford the estate tax that will be reinstated.

Americans approved of last year's tax relief package. Now it is time to make it permanent to ensure that Americans do not face the largest tax increase in history in just a few years.

Mr. Speaker, this past week I met with many Nevadans, and this was the message they wanted me to bring back to Washington: Make tax relief permanent.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from The Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 28, 2002.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 24, 2002 at 2:31 pm.

That the Senate passed without amendment H. Con. Res. 356.

Appointment:
N.A.T.O. Parliamentary Assembly.
With best wishes, I am
Sincerely,

MARTHA C. MORRISON
(For Jeff Trandahl, Clerk of the House).

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the Chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, May 28, 2002.

Hon. J. DENNIS HASTERT,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted on May 22, 2002 by the Committee on Transportation and Infrastructure. Copies of the resolutions are being transmitted to the Department of the Army. Sincerely,

DON YOUNG,
Chairman.

Enclosures.

RESOLUTION: DOCKET 2659—SAN FRANCISQUITO CREEK WATERSHED, CALIFORNIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, in accordance with Section 4 of the Flood Control Act of 1941, is hereby requested to conduct a study of the Guadalupe River and Tributaries, California, to determine whether flood damage reduction, environmental restoration and protection, storm water retention, water conservation and supply, recreation and other allied purposes are advisable in the interest of the San Francisquito Creek Watershed, including San Francisquito Creek, Santa Clara and San Mateo Counties, California.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2660—PORT HUENEME, CALIFORNIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on Port Hueneme, California, published as House Document 362, 83rd Congress, 2nd Session, and other pertinent reports, to determine whether modifications to recommendations contained therein are advisable time in the interest of shoreline protection, storm damage reduction, navigation improvements, environmental restoration and protection and other allied purposes along the shores of the City of Port Hueneme and adjacent areas, Ventura County, California.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2661—LITTLE WABASH RIVER WATERSHED, INDIANA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on the Comprehensive Study of Wabash River Basin, published as House Document 100, 73rd Congress, 1st Session, and other pertinent reports, to determine the feasibility of providing flood damage reduction, environmental restoration and protection, and related purposes in the Little Wabash River Basin, Indiana.

Adopted: May 22, 2002.
ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2662—COYOTE CREEK
WATERSHED, CALIFORNIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on Coyote and Berryessa Creeks, California, published as House Document 101-126, 101st Congress, 2nd Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable in the interest of flood damage reduction, environmental restoration and protection, water conservation and supply, recreation, and other allied purposes in the Coyote Creek Watershed, including Coyote Creek, Santa Clara County, California.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2663—HANCOCK COUNTY
SEAWALL, MISSISSIPPI

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers of the Mobile District, dated June 1995, on Hancock, Harrison, and Jackson Counties, Mississippi, Comprehensive Reconnaissance Study, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable in the interest of flood damage reduction, shoreline restoration, and environmental restoration and protection.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2664—KEITH CREEK,
ILLINOIS

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on the Rock River, Rockford, Illinois, published as Senate Document 142, 87th Congress, 2nd Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable in the interest of flood damage reduction, environmental restoration and protection, and related purposes along Keith Creek, Rockford, Illinois, including repairs and improvements to Alpine Dam and its spillway.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2665—GOFFLE BROOK
AND TRIBUTARIES, NEW JERSEY

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on the Passaic River Main Stem, New Jersey and New York, published as House Document 163, 101st Congress, 1st Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable in the interest of water resources development, including flood damage reduction, environmental restoration and protection, streambank restoration and other allied purposes for the Goffle Brook and Tributaries, New Jersey.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2666—NESHANNOCK
CREEK, PENNSYLVANIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on the Ohio River and Tributaries, Pennsylvania, Ohio and West Virginia, published as House Document 306, 74th Congress, 1st Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable for potential improvements to Neshannock Creek in the New Castle, Pennsylvania area. This review should include a determination of the feasibility of measures to address environmental restoration and protection, flood damage reduction, streambank protection, and other water resources needs along Neshannock Creek in the vicinity of the city of New Castle, Lawrence County, Pennsylvania.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2667—FOURMILE RUN,
VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on Fourmile Run, Virginia, published as House Document 358, 91st Congress, 2nd Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable in the interest of flood damage reduction, environmental restoration and protection, floodplain management, and other allied purposes for Fourmile Run, Virginia.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2668—HOLMES RUN,
VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on the Potomac River and Tributaries in Maryland, Virginia and Pennsylvania, published as House Document 622, 79th Congress, 2nd Session, and other pertinent reports, in cooperation with the City of Alexandria, Fairfax County, the Commonwealth of Virginia and other Federal agencies and entities, to determine whether modifications of recommendations contained therein are advisable in the interest of environmental restoration and protection, flood damage reduction, and other allied purposes for the Holmes Run, Virginia watershed.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2669—LAVACA AND
NAVIDAD RIVERS, TEXAS

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on the Lavaca and Navidad Rivers, Texas, published as House Document 659, 77th Congress, 2nd Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advis-

able in the interest of flood damage reduction, watershed management, environmental restoration and protection, water quality, water supply and allied purposes on the Lavaca and Navidad Rivers, Texas.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2670—PEARL RIVER
BASIN, LOUISIANA AND MISSISSIPPI

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on the Pearl River Basin, Mississippi and Louisiana, published as House Document 282, 92nd Congress, 2nd Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable in the interest of flood damage reduction, navigation, bank stabilization, water supply, hydropower, recreation and environmental restoration and protection in the lower Pearl River Basin in the vicinity of Bogalusa, Louisiana and Mississippi.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2671—YOUGHIOGHENY
RIVER, MCKEESPORT, PENNSYLVANIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on the Youghiogheny River, Pennsylvania and Maryland, published as House Document 644, 78th Congress, 2nd Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable in the interest of flood damage reduction (especially damage due to ice jams), environmental restoration and protection and other water resources needs along the Youghiogheny River from its confluence with the Monongahela River at the City of McKeesport, Pennsylvania, upstream to the Youghiogheny River Lake Dam, Pennsylvania.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2672—CALIFORNIA
COASTAL SEDIMENT MASTER PLAN

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, in accordance with Section 110 of the River and Harbor Act of 1962, the Secretary of the Army is requested to develop a comprehensive plan for the management of sediment in coastal California for purposes of reducing shoreline erosion and coastal storm damages, providing for environmental restoration and protection, increasing natural sediment supply to coast, restoring and preserving beaches, improving water quality along coastal beaches, beneficially using material dredged from ports, harbors and other opportunistic sediment sources, and related purposes.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2673—WILLAMETTE
RIVER BASIN, OREGON

Resolved by the Committee on Transportation and Infrastructure of the United

States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers, published as House Document 403, 87th Congress, 2nd Session, House Document 531, 81st Congress, 2nd Session, and House Document 544, 75th Congress, 3rd Session, and other pertinent reports, to determine the feasibility of providing comprehensive watershed restoration, environmental restoration and protection, and other water and related land resources in the Willamette River Basin with particular emphasis on the watersheds in and around Springfield and Eugene, Oregon.
 Adopted: May 22, 2002.
 ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2674—DISMAL SWAMP AND DISMAL SWAMP CANAL, CHESAPEAKE, VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers, on the Atlantic Intracoastal Waterway, Boston, Massachusetts to Beaufort, North Carolina Section published as House Document 391, 62nd Congress, 2nd Session, and other pertinent reports, to determine whether modifications to the existing project are advisable to address flooding problems, environmental restoration and protection, and related water resources needs in the vicinity of the Dismal Swamp and Dismal Swamp Canal in Chesapeake, Virginia.
 Adopted: May 22, 2002.
 ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2675—LAKE MONTAUK HARBOR, EAST HAMPTON, NEW YORK

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army is requested to review the report of the Chief of Engineers, published as House Document 369, 76th Congress, 1st Session, and other pertinent reports, to determine whether modifications to the recommendations contained therein in the interest of navigation improvements, to include beneficial uses of dredged material and sand-bypassing, in accordance with Section 110 of the River and Harbor Act of 1962, to determine the need for measures to address storm damage reduction, shoreline protection, environmental restoration and protection and other allied purposes in the vicinity of Lake Montauk Harbor, East Hampton, New York.
 Adopted: May 22, 2002.
 ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2676—FLAGLER COUNTY, FLORIDA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, that in accordance with Section 110 of the River and Harbor Act of 1962, the Secretary of the Army is requested to review the feasibility of providing shoreline erosion protection, hurricane and storm damage reduction, and related purposes to the shores of Flagler County, Florida.
 Adopted: May 22, 2002.
 ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2677—STREETS RUN WATERSHED, ALLEGHENY COUNTY, PENNSYLVANIA

Resolved by the Committee on Transportation and Infrastructure of the United

States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on the Ohio River, published as House Document 306, 74th Congress, 1st Session, and other pertinent reports, to determine the modifications contained therein are advisable in the interest of flood damage reduction, environmental restoration and protection, and related purposes in the Streets Run Watershed of Allegheny County, Pennsylvania.
 Adopted: May 22, 2002.
 ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2678—LAKE EMILY DAM, PENNSYLVANIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on the Youghiogheny River, Pennsylvania and Maryland, published as House Document 644, 78th Congress, 2nd Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable in the interest of repair and rehabilitation of the Lake Emily Dam for stability, aquatic restoration, and other water and related land resources needs, in the vicinity of the City of McKeesport, Pennsylvania.
 Adopted: May 22, 2002.
 ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2679—GRAND RIVER AT LANSING, MICHIGAN

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on the Grand River at Lansing, Michigan, published in Senate Document 132, 84th Congress, 2nd Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable, with particular reference to preparing a master plan to identify and develop measures for flood control, shoreline protection, environmental restoration and protection, recreation and associated purposes at and in the vicinity of Lansing, Michigan.
 Adopted: May 22, 2002.
 ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2680—EAST RIVER SEAWALL, QUEENS COUNTY, NEW YORK

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on the East River, New York (Spur Channel to Astoria Waterfront), published as Senate Document 60, 91st Congress, 2nd Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable in the interest of water and related land resources needs, including restoration of shoreline protection measures in the Queensbridge area along the East River, New York.
 Adopted: May 22, 2002.
 ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2681—LITTLE SARASOTA BAY, FLORIDA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the

Secretary of the Army, is requested to review the report of the Chief of Engineers on the Intracoastal Waterway from Caloosahatchee River to Withlacoochee River, Florida, published as House Document 371, 76th Congress, 1st Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable in the interest of environmental restoration and protection, and water quality restoration related to circulation in Little Sarasota Bay, Florida.
 Adopted: May 22, 2002.
 ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2682—CITY PARK/ UNIVERSITY LAKES, LOUISIANA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on the Amite River and Tributaries, Louisiana, published as House Document 419, 84th Congress, 2nd Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable in the interest of ecosystem and environmental restoration and protection, water quality and sediment control, and recreational enhancement in the City Park/University Lakes area of Baton Rouge, Louisiana.
 Adopted: May 22, 2002.
 ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2683—SUSQUEHANNA AND DELAWARE RIVER BASINS, PENNSYLVANIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, that the Secretary of the Army is requested to review the report of the Chief of Engineers on the Susquehanna River and Tributaries, New York, Pennsylvania and Maryland, published as House Document 702, 77th Congress, 2nd Session, the report of the Chief of Engineers on the Delaware River Basin, New York, New Jersey, Pennsylvania and Delaware published as House Document 522, 87th Congress, 2nd Session, and other pertinent reports to determine the need for improvements in the interest of aquatic ecosystem restoration and protection, particularly as related to abandoned mine drainage abatement, floodplain management, flood control, water supply, and other allied purposes for the watersheds of the Susquehanna and Delaware River Basins lying within the Southern Anthracite Coal Region of the Commonwealth of Pennsylvania.
 Adopted: May 22, 2002.
 ATTEST:

DON YOUNG,
Chairman.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

MICROENTERPRISE FOR SELF-RELIANCE ACT OF 2000 AND FOREIGN ASSISTANCE ACT OF 1961 AMENDMENTS ACT

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4073) to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4073

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS TO THE MICROENTERPRISE FOR SELF-RELIANCE ACT OF 2000.

(a) PURPOSES.—Section 103 of the Microenterprise for Self-Reliance Act of 2000 (Public Law 106-309) is amended—

(1) in paragraph (3), by striking “micro-entrepreneurs” and inserting “microenterprise households”;

(2) in paragraph (4), by striking “and” at the end;

(3) in paragraph (5)—

(A) by striking “microfinance policy” and inserting “microenterprise policy”;

(B) by striking “the poorest of the poor” and inserting “the very poor”;

(C) by striking the period at the end and inserting “; and”;

(4) by adding at the end the following:

“(6) to encourage the United States Agency for International Development to develop, assess, and implement effective outreach methods and tools to ensure that all microenterprise assistance authorized under this title, and the amendments made by this title, is used to assist the greatest absolute number of economically viable clients among the very poor, and that at least 50 percent of all microenterprise assistance authorized under this title, and the amendments made under this title, is used in support of programs or lines of service that target the very poor.”.

(b) DEFINITIONS.—Section 104 of such Act is amended—

(1) in paragraph (2), by striking “for micro-entrepreneurs” and inserting “to micro-entrepreneurs and their households”;

(2) by adding at the end the following:

“(5) VERY POOR; POOREST PEOPLE IN DEVELOPING COUNTRIES.—The terms ‘very poor’ and ‘poorest people in developing countries’ mean those persons living either in the bottom 50 percent below the poverty line as established by the national government of the country or on less than the equivalent of \$1 per day.”.

SEC. 2. AMENDMENTS TO THE MICRO- AND SMALL ENTERPRISE DEVELOPMENT CREDITS PROGRAM UNDER THE FOREIGN ASSISTANCE ACT OF 1961.

(a) FINDINGS AND POLICY.—Section 108(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151f(a)(2)) is amended by striking “the development of the enterprises of the poor” and inserting “the access to financial services and the development of microenterprises”.

(b) PROGRAM.—Section 108(b) of such Act (22 U.S.C. 2151f(b)) is amended to read as follows:

“(b) PROGRAM.—To carry out the policy set forth in subsection (a), the President is authorized to provide assistance to increase the availability of financial services to microenterprise households lacking full access to credit, including through—

“(1) loans and guarantees to microfinance institutions for the purpose of expanding the availability of savings and credit to poor and low-income households;

“(2) training programs for microfinance institutions in order to enable them to better meet the financial services needs of their clients; and

“(3) training programs for clients in order to enable them to make better use of credit, increase their financial literacy, and to better manage their enterprises.”.

(c) ELIGIBILITY CRITERIA.—Section 108(c) of such Act (22 U.S.C. 2151f(c)) is amended—

(1) in the first sentence of the matter preceding paragraph (1)—

(A) by striking “credit institutions” and inserting “microfinance institutions”; and

(B) by striking “micro- and small enterprises” and inserting “microenterprise households”;

(2) in paragraphs (1) and (2), by striking “credit” each place it appears and inserting “financial services”.

(d) ADDITIONAL REQUIREMENT.—Section 108(d) of such Act (22 U.S.C. 2151f(d)) is amended by striking “micro- and small enterprise programs” and inserting “programs for microenterprise households”.

(e) AVAILABILITY OF FUNDS.—Section 108(f)(1) of such Act (22 U.S.C. 2151f(f)(1)) is amended by striking “for each of fiscal years 2001 and 2002” and inserting “for each of fiscal years 2001 through 2004”.

(f) CONFORMING AMENDMENT.—Section 108 of such Act (22 U.S.C. 2151f) is amended in the heading to read as follows:

“SEC. 108. MICROENTERPRISE DEVELOPMENT CREDITS.”.

SEC. 3. AMENDMENTS TO THE MICROENTERPRISE DEVELOPMENT GRANT ASSISTANCE PROGRAM UNDER THE FOREIGN ASSISTANCE ACT OF 1961.

(a) FINDINGS AND POLICY.—Section 131(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152a(a)) is amended to read as follows:

“(a) FINDINGS AND POLICY.—Congress finds and declares that—

“(1) access to financial services and the development of microenterprise are vital factors in the stable growth of developing countries and in the development of free, open, and equitable international economic systems;

“(2) it is therefore in the best interest of the United States to facilitate access to financial services and assist the development of microenterprise in developing countries;

“(3) access to financial services and the development of microenterprises can be supported by programs providing credit, savings, training, technical assistance, business development services, and other financial and non-financial services; and

“(4) given the relatively high percentage of populations living in rural areas of developing countries, and the combined high incidence of poverty in rural areas and growing income inequality between rural and urban markets, microenterprise programs should target both rural and urban poor.”.

(b) AUTHORIZATION.—Section 131(b) of such Act (22 U.S.C. 2152a(b)) is amended—

(1) in paragraph (3)—

(A) in the first sentence of the matter preceding subparagraph (A), by striking “targeted to very poor entrepreneurs” and all that follows and inserting “used in support of programs or lines of service under which 50 percent or more of the income or prospective clients are initially very poor.”;

(B) in subparagraph (A)(i), by striking “entrepreneurs” and inserting “clients”; and

(2) in paragraph (4)(D)—

(A) in clause (i), by striking “very small loans” and inserting “financial services to poor entrepreneurs”; and

(B) in clause (ii), by striking “micro-finance” and inserting “microenterprise”.

(c) MONITORING SYSTEM.—Section 131(c) of such Act (22 U.S.C. 2152a(c)) is amended by striking paragraph (4) and inserting the following:

“(4) adopts the widespread use of proven and effective poverty assessment tools to successfully identify the very poor and ensure that they receive needed microenterprise credits, loans, and assistance.”.

(d) DEVELOPMENT AND APPLICATION OF POVERTY MEASUREMENT METHODS.—Section 131 of such Act (22 U.S.C. 2152a) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following:

“(d) DEVELOPMENT AND CERTIFICATION OF POVERTY MEASUREMENT METHODS; APPLICATION OF METHODS.—

“(1) DEVELOPMENT AND CERTIFICATION.—(A) The Administrator of the United States Agency for International Development, in consultation with appropriate microfinance institutions, microenterprise institutions, and other appropriate entities shall develop no fewer than two low-cost methods for measuring the poverty levels of the current or prospective clients of microenterprise organizations for purposes of assistance under this section. In developing such methods, the Administrator shall give consideration to methods already in use by practitioner institutions.

“(B) The Administrator shall field-test the methods developed under this paragraph, and as part of the testing, institutions and programs may use these methods on a voluntary basis to demonstrate their ability to reach the very poor.

“(C) Not later than October 1, 2004, the Administrator shall, from among the low-cost poverty measurement methods developed under this paragraph, certify no fewer than two of such methods as approved methods for measuring the poverty levels of the current or prospective clients of microenterprise organizations for purposes of assistance under this section.

“(2) APPLICATION.—Beginning on and after October 1, 2004, assistance furnished under this section to a program or to a line of service within an institution shall qualify, in whole or in part, as targeted assistance to the very poor if one or more of the measurement methods approved under paragraph (1), or one or more of the measurement methods approved in accordance with paragraph (1) after October 1, 2004, verifies that at least 50 percent of the income or prospective clients of the program or line of service are initially among the very poor.”.

(e) LEVEL OF ASSISTANCE.—Section 131(e) of such Act, as redesignated by subsection (d), is amended by inserting “and \$175,000,000 for fiscal year 2003 and \$200,000,000 for fiscal year 2004” after “fiscal years 2001 and 2002”.

(f) DEFINITIONS.—Section 131(f) of such Act, as redesignated by subsection (d), is amended by adding at the end the following:

“(5) VERY POOR; POOREST PEOPLE IN DEVELOPING COUNTRIES.—The terms ‘very poor’ and ‘poorest people in developing countries’ mean those persons living either in the bottom 50 percent below the poverty line as established by the national government of the country or on less than the equivalent of \$1 per day.”.

SEC. 4. REPORT TO CONGRESS.

Not later than July 1, 2004, the Administrator of the United States Agency for International Development shall submit to Congress a report that contains—

(1) a description of the interim poverty measurement methods developed and implemented pursuant to section 131(d)(1) of the Foreign Assistance Act of 1961, as added by section 3(d);

(2) an analysis of the results of the application of such interim poverty measurement methods to sustainable poverty-focused programs under such section; and

(3) a description of the proposed final poverty measurement methods to be implemented beginning on October 1, 2004, in accordance with section 131(d)(2) of such Act, as added by section 3(d).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Indiana (Mr. ROEMER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 4073, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to present H.R. 4073, the Microenterprise Enhancement Act of 2002, to the House. This important anti-poverty legislation reforms, enhances, and expands microenterprise programs throughout the world and authorizes \$375 million over 2 years for this incredible initiative.

I would like to thank the gentleman from Illinois (Mr. HYDE) for his very strong and steadfast support of this legislation and commend him for the great leadership that he has shown on so many foreign policy and humanitarian issues, especially since September 11.

I would also like to thank my good friend and colleague, the gentleman from Indiana (Mr. ROEMER), our leading Democratic cosponsor, whose tremendous efforts greatly influenced and helped shape this important piece of legislation. This has been a great team effort, and again I want to thank him for his extraordinary work and leadership.

The support of both the gentleman from California (Mr. LANTOS), our committee's ranking member, and the gentleman from New York (Mr. GILMAN), the chairman emeritus, have also been important. I would also like to thank the gentleman from New Jersey (Mr. PAYNE) and the gentleman from New York (Mr. HOUGHTON), and the nearly 80 other cosponsors for their support of this endeavor.

Mr. Speaker, the impact of microenterprise on entrepreneurs and borrowers in the developing world cannot be estimated and overstated. Over 2 million clients are currently benefiting from AID-assisted programs, and since its inception, millions more have been empowered by microenterprise services.

Like many of my colleagues, and like I think Members of the other body, I

have been at times critical of some of our Nation's foreign aid programs, because some of the money never really ends up reaching the people that that money is intended to reach. One of the reasons I am so enthusiastic about microenterprise programs is because they are fundamentally different than traditional foreign aid programs. They are based on a bottom-up, grass roots approach rather than a top-down model.

Microenterprise programs have demonstrated very impressive results. An estimated 97 percent of the loans are actually repaid. Contrast that to some of our own domestic lending programs, and the difference is rather stark.

Studies on the effects of microenterprise programs find they promote higher household income and increased family well-being, including improved nutrition and education among children.

□ 1415

In the past 2 fiscal years, we have spent \$155 million, which has been authorized by Congress for microfinance. I am proud to say that this legislation we are considering today will expand that to \$175 million for fiscal year 2003, and \$200 million for fiscal year 2004. Our legislation will also ensure that more funds go to the poorest of the poor, or as we now define it, the very poor, including those living on less than \$1 a day.

Although previous legislation has stipulated that 50 percent of the funds will go to the poorest of the poor, efforts to target funding to the neediest persons has been insufficient because AID essentially uses only a single measurement tool to evaluate its poverty outreach efforts, and that is to say, average loan size.

With currency values varying from country to country, and loan size dependent on the type of business a person is attempting to start, this has not been a sufficient measure, has not been an accurate barometer of poverty.

Mr. Speaker, H.R. 4073, as amended, would require AID to devise new, more meaningful poverty-assessment tools and give consideration to low-cost, easy-to-implement tools already in use by the microfinance institutions. Moreover, AID will have a deadline of October 1, 2004, to certify and utilize at least two additional poverty-assessment techniques that can better evaluate who the poorest actually are and ensure that they receive their fair share of the funds provided under this act.

A main reason for the success of the microenterprise programs is that the assistance goes directly to those who need our help. It provides vital capital for small business owners to strive and achieve their dreams. It helps build sound financial institutions on the grassroots level that foster self-sufficiency. A loan of several hundred dollars or less, which by our standards might be considered quite small, is

often a substantial portion of a person's yearly earnings in the developing world. Such a loan can help an entrepreneur businessman or businesswoman increase their profits manyfold, making a better life for themselves and their families for many years to come.

Take the example of Baulia Parra Pruneda of Monterrey, Mexico, one of the many successful recipients of a microenterprise loan. When her husband lost his job in 1998, she was determined to support her six children. Even though she had never worked before and could not read or write, she taught herself to sew by following designs that she saw in magazines. A \$150 loan from a lending institution supported by ACCION, one of the leading microfinance institutions in the Americas, provided capital for her to purchase the necessary supplies to launch her endeavor into self-sufficiency. After building her small business through a series of microloans, she now sells over 100 items per week. The money she earns and continues to make not only provides food for her children, but has also enabled her to install a toilet and a shower, as well as a second floor in her home.

As inspiring as Braulia's story is, it is not unique. When given the opportunity and the seed capital to produce, people can turn their economic situation around in a dramatic way. The goal now is to build on past successes that have reached tens of thousands of people and apply lessons learned to devising a better program.

Mr. Speaker, it is worth noting that approximately 70 percent of microenterprise beneficiaries are women, so this initiative is key to reversing the feminization of poverty. I would note that later today, probably by early tomorrow, the report on trafficking will be issued pursuant to the trafficking legislation that we passed last year. I was the prime sponsor of that bill. We worked very hard in a bipartisan way. The gentleman from California (Mr. LANTOS) worked on it, and so many others, to ensure that we crack down on this terrible scourge called trafficking. But one of the core reasons why women can be preyed upon and trafficked into prostitution and other involuntary servitude has been poverty. They have been exploited because they are vulnerable.

This legislation is part of the effort to give women the opportunity to take care of themselves, as well as their families.

Mr. Speaker, let me say finally, the greatest antipoverty program will always be a job. This is all about job creation, one village at a time, one community at a time, one family at a time. It is a very important piece of legislation, it is bipartisan at the outset; and I hope all Members will support it.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this legislation, H.R. 4073, which amends and reauthorizes the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961.

Mr. Speaker, this is a bipartisan compromise bill that truly improves upon the original legislation, and I want to thank the gentleman from New Jersey (Mr. SMITH) and the gentleman from Indiana (Mr. ROEMER) for their extraordinary efforts in crafting this legislation as well as recognizing the support of our colleagues, the gentleman from New Jersey (Mr. PAYNE) and the gentleman from New York (Mr. HOUGHTON). I also want to acknowledge the pioneering work on the microenterprise that was done by the former chairman and ranking member of the Committee on International Relations, the gentleman from New York (Mr. GILMAN) and Mr. GEJDENSEN, who introduced the Microenterprise for Self-Reliance Act of 2000, which was signed into law by President Clinton.

Microenterprise programs have proven to be an effective means of providing poor households with the financial tools needed to generate income, create savings, and develop businesses to help alleviate poverty. We have seen the transforming impact of these programs in every country and on every continent where development work is being done.

Microenterprise is founded on the very basic premise that by providing poor households with the tools to manage their finances better, be it through the provision of small loans or even the ability to open a savings account, we can help to improve their lives and even lift them out of poverty. This principle is illustrated so dramatically in Bangladesh by the Grameen Bank that has been so successfully replicated around the globe and provides an effective tool for poverty alleviation and reduction.

Therefore, I am very pleased that we are not only reauthorizing microenterprise legislation, but we are also increasing the amount of funding for these programs. Our legislation seeks to improve targeting of assistance to the poorest of the poor by requiring the administration to develop more precise tools to measure poverty, and it creates better means of reaching the very poor in every country where this program operates.

Specifically, our legislation ensures that at least half of all microenterprise funding authorized be specifically set aside for programs or services in which half of the incoming clients are among the very poor. I hope that by passing this legislation we will be providing the tools and the resources needed to continue this most important work. I urge all of my colleagues to support H.R. 4073.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. ROEMER),

who has done so much work on this issue.

(Mr. ROEMER asked and was given permission to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, I want to say in the beginning of my remarks, the U2 rock star Bono sang "It's a Beautiful Day," and there is no better day in the House of Representatives when Democrats and Republicans can join together to successfully encourage a bipartisan bill which promotes free markets, which promotes entrepreneurship, which promotes economic aid that gains results, especially for women and poor in poor countries like Africa. I am very proud and very enthusiastic to stand on the floor today and hopefully see this legislation fly through the House of Representatives in a bipartisan vote later today.

Much thanks go to many members on the committees of oversight. I want to start there and thank the gentleman from New Jersey (Mr. SMITH), who has been a pleasure to work with on this issue, who has helped craft the legislation and worked towards successful passage of this legislation from his perch on the Committee on International Relations and built bipartisan support for it. It has been a pleasure to work with the gentleman, and I know that we have work to do yet with the appropriators to get money appropriated for this act.

I thank the gentleman from California (Mr. LANTOS), who has a lifetime of service toward these kinds of programs which benefit the truly poor people in the world. I thank the gentleman for his year-after-year fight for increases in these programs. I thank the gentleman from Illinois (Chairman HYDE) and the gentleman from New Jersey (Mr. PAYNE), the gentleman from New York (Mr. HOUGHTON), the gentleman from New York (Mr. GILMAN), and the gentleman from New Mexico (Mr. UDALL). I also thank the bipartisan staff members on the Democratic and Republican side, and my staff member, Jed D'Ercole for his help and support on this bill.

Last week, for those following this issue from Africa and in our press from the New York Times to our local papers, it was a curious mix of individuals touring Africa, our Secretary of Treasury, Paul O'Neill, with the rock star from U2, Mr. Bono. Everywhere the two of them went, Mr. Bono would say, "We need more resources. We must spend more money on the plight of the poor." As he saw the plight of the poor, especially in Africa, where in the world over a billion people live on less than a dollar a day, this moved him to devote 11 days off tour making money to try to devote resources to helping the poor. Everywhere he went, it was resources, resources, money. Everywhere the Secretary of Treasury went it was, "We have to have results. We must have efficiency. We have to see the practice really benefit the people."

Well, here we have it: H.R. 4073, where we say for a highly successful

program for microenterprise loans, loans for the poorest people driven primarily by women as the head of households, getting loans that they repay at 98 percent rates, that this kind of program can elevate people out of poverty and help not only women, not only their families but their children, and scores of people that live on less than a dollar a day.

Mr. Speaker, this bill says that when these programs are effective and these loans are repaid, we are going to devote more money to this successful program, and we ask for an increase from \$155 million to \$175 million in 2003 and up to \$200 million in 2004. I would hope that the appropriators would not only do that, that supporters like the gentleman from Arizona (Mr. KOLBE), the gentlewoman from New York (Mrs. LOWEY), the gentlewoman from California (Ms. PELOSI), and Senator LEAHEY will devote those resources in the upcoming appropriations cycle to what this bill allocates and authorizes.

Why do results plus new resources equal success? Well, the gentleman from New Jersey (Mr. SMITH) talked about an example in Mexico. I would like to talk about an example straight from Malawi, a woman by the name of Flora Matiasi. Flora Matiasi lives in Malawi in a one-room hut with six children. She struggled to feed these children, to clothe these children, to get her children an education. With the help of a small loan through this microenterprise program the United States government provides, she has been able to develop and sell oil cakes, doughnut-like confections that are called mandazis. She sells these on a regular basis. She sells them, saves the money, feeds her children; and she has been able to save \$540 which is 10 times her original loan to save to educate her children.

□ 1430

So for her original loan of maybe \$40 or \$50, we are not only helping her with a small job, an entrepreneurial job to sell these doughnut cakes, we are helping her six children, and if it keeps growing, she will employ an employee next year. This grows and grows and grows. It grows to the extent that we are hopeful that, we now serve through microenterprise loans about 32 million people, we want to grow that to 100 million people. We want to grow to 100 million people in the world that we serve through microenterprise loans that we can help and benefit and lift out of poverty.

The Wall Street Journal wrote an editorial that was lukewarm about Mr. Bono's and Mr. O'Neill's visit but it said, "Mr. O'Neill has been reminding everyone the only route to economic growth is private enterprise, free markets and the rule of law."

That is exactly what this is, private enterprise, entrepreneurship, loans that guarantee more loans that are repaid and generate more loans for children's education and help people buy

products eventually that we sell overseas in our markets. That is exactly what Mr. Bono and Mr. O'Neill are trying to do.

I am very happy to support this bill. I am very proud to have worked with the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) and others. I also want to thank Sam Daley Harris of RESULTS and Chris Dunford of Freedom from Hunger. I want to again thank my colleagues for their support and their bipartisan accomplishments here. I want to encourage successful appropriation for this bill in the future. If we are really going to have a beautiful day in the future, if we are really going to fight terrorism effectively in the future, it is going to take more than satellites and soldiers, it is going to take free trade and successful microenterprise loans for the poor.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for his comments and his contribution to this legislation.

Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, first of all I want to thank the gentleman for yielding the time to me, and I particularly want to thank him for developing this legislation. I certainly rise in support of H.R. 4073, the Microenterprise for Self-Reliance Act and the Foreign Assistance Act Amendments. I also want to thank the gentleman from Indiana (Mr. ROEMER) who just made comments on it who has helped with the bill, Chairman HYDE, Ranking Member LANTOS, and the gentleman from New York (Mr. HOUGHTON) for all their support for this legislation.

Our foreign aid has never been more necessary than it is today in improving our relationships with developing countries. From Bangladesh to Guatemala, one of the most exciting strategies for fighting poverty in developing countries is the development of microenterprise projects. For poor women especially, the practice of extending very small loans and improving access to financial services has revolutionized the lives of so many impoverished people, and the way in which we think about poverty-focused development has also been revolutionized. Microenterprise is a method of making very small loans available to the world's poorest people. These loans are typically in amounts as low as \$100, but they enable individuals living in impoverished economic conditions to experience free enterprise. Microfinance has touched the lives of over 20 million people in the poorest regions of the world. And this form of foreign aid has a very strong payback rate.

Mr. Speaker, women account for nearly 74 percent of the 19.3 million of the world's poorest people that are now being served by microfinance institutions. Most of these women have access

to credit to invest in businesses that they own and operate themselves. The vast majority of them have excellent repayment records in spite of the daily hardships that they face. Contrary to conventional wisdom, they have shown that it is a very good idea to lend to the poor and to women.

While women's access to financial services has increased substantially in the past 10 years, their ability to invest in, and to benefit from, this access is often still limited by the disadvantages they experience because of their gender. Increasingly, the average loan for women is smaller than those of men, even when they are in the same credit program, the same community and the same lending group. As the industry becomes more sophisticated in developing targeted products and services, I really think it makes sense to look at both targeting women and empowering women.

Many studies have proven that international development investments in women and girls bring the greatest gains for economic growth and national development. When women increase their incomes, they directly invest this additional capital in the education, health and welfare of their children, potentially breaking the cycle of poverty.

Some of my colleagues have mentioned examples. I would like to mention one, too, the story of Razia Begum. Razia Begum lives in a village in northeast Bangladesh, an area of verdant hills, paddy fields and ponds. Most of Razia's district lacks electricity. The literacy rate is 16 percent and half of the 46,000 households in her area eke out a living from plots of land of a half acre or less. This is typical of Bangladesh, among the world's poorest 15 countries. At 35, Razia has taken out two loans from the United Nations development program, one, a \$65 loan to buy her own piece of land, and a second, a \$108 loan to buy seeds and fertilizer through the Bhatrapura East Female Village Organization. For the first time, UNDP reports, Razia can picture a secure future for herself, her three school-aged children and her husband, a shopkeeper. Razia is happy and says, "I can look forward to a steady income by selling vegetable seedlings from this plot of land." She is growing spinach, cauliflower, cabbage, eggplant and papaya.

Microenterprise is at work in the United States, right here as well. In 2000, the Aspen Institute and the Association for Enterprise Opportunity estimated that there were an estimated 2 million microentrepreneurs in the United States, of which 78 percent are women. My own home State of Maryland is home to several local microenterprise programs. For example, the Foundation for International Community Assistance (FINCA) USA, lends to 200 clients. Since it began in 1994, it has impacted the lives of hundreds of entrepreneurs in the Greater Washington, D.C. and Baltimore areas.

Michele Green, just one of the many who have benefited from FINCA's work, is a single parent who supports four children. Michele has taken out two loans from FINCA and in just 4 months doubled her income from selling handmade crafts. She reports an increase in household income from \$2,200 to \$2,600.

The United States must also substantially increase the amount of attention and resources it contributes to implement commitments made at the United Nations Fourth World Conference on Women in 1995 and at the United Nations Special Assembly Session on Women in 2000 in its foreign policy, development assistance programs and international economic policies.

The expansion of this microfinance program, which has the potential to transform relations and empower the poor, has become a central component of our foreign aid program. I support the Microenterprise for Self-Reliance Act. I want to again thank those who have put it together, the gentleman from New Jersey (Mr. SMITH), the gentleman from California (Mr. LANTOS), and I am proud that we continue to build on that microfinance program.

Mr. LANTOS. Mr. Speaker, before yielding to my good friend from New Mexico, I feel compelled to recognize the fact that the distinguished member of his family, the late Mo Udall, gave this body so much wit and wisdom and judgment and service. His own father served with great distinction as our Secretary of the Interior.

Mr. Speaker, we do not have an aristocracy of birth or an aristocracy of wealth in our country, but we do have an aristocracy of public service. I am pleased to yield such time as he may consume to my good friend, the gentleman from New Mexico (Mr. UDALL), a member of that aristocracy.

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentleman very much for those very kind words.

Let me first say that I very much appreciate the bipartisan leadership on this piece of legislation. Ranking Member LANTOS and Chairman HYDE, I think, have done an excellent job on making sure this gets through the House of Representatives. Clearly Chairman SMITH and the gentleman from Indiana (Mr. ROEMER) have worked very hard on this piece of legislation and made sure that it is on the floor today.

It gives me great pleasure to rise today in strong support of H.R. 4073. This is extremely important legislation that holds great promise for improving the lot of many of the world's poorest individuals. According to the World Bank, more than 1.3 billion people in the developing world, or one-fifth of the world's population, subsist on less than \$1 a day. Last year, nearly 10.5 million children under the age of 5 died from largely preventable malnutrition and disease and more than 100 million children of primary school age remain out of schools in developing

countries throughout the world. These children and their families are some of the poorest people in the world who lack access to many of the most basic necessities that we in the United States often take for granted.

One tool that has proven to be an effective remedy is microcredit loans. These very small loans and other financial services, available to the poorest people, allow them to start and expand tiny businesses without depending on money lenders who demand exorbitant interest rates. In addition, the access to these small loans allows the poor to reap the benefits of their hard work.

Mr. Speaker, I have heard firsthand the stories of women from Pakistan and India, who as a result of these important loans, which often average around the small sum of \$150, were able to pull them and their families out of poverty. They spoke of the incredible returns to their families and communities, stating that almost 90 percent of the return they were able to generate from the loan went to paying for better living conditions, better food, and better education for their children. In addition, communities that have had numerous individuals receive these microloans have experienced an increase in more responsible family planning.

The U.S. has been a major provider of funding for international microenterprise programs, providing \$155 million for fiscal year 2002. Through the funding provided by the U.S., many microenterprise institutions are now operating independently of foreign aid. Their existence would have been impossible without previous grants for start-up and expansion. I am extremely pleased to see that H.R. 4073 increases microenterprise authorization to \$175 million for fiscal year 2003 and \$200 million for fiscal year 2004.

Microcredit helps borrowers improve the quality of their lives and the futures of their children. I strongly support this legislation and urge my colleagues to do so as well. A vote in favor of H.R. 4073 will help provide hope and assistance to corners of the world greatly in need of both. I want to once again thank the Members on both sides of the aisle who have worked so hard on this piece of legislation. They have created a good example of how we should work with each other.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. SMITH).

□ 1445

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, let me offer an analogy, a Biblical quotation, and I paraphrase: Give a man a fish and he will eat for a day; teach that person to fish, and he will have food for a lifetime.

This is the kind of venture that has not only worked well in other countries, but has worked well in Michigan,

in Illinois and many other States. I only wish we would expand this kind of program, that takes an individual that has the willingness to venture into entrepreneurship and the hard work that is required in any capitalistic movement, and give funding to that individual so that they can develop a business that is not only going to help them, but going to help their community.

Again, to the gentleman from New Jersey (Mr. SMITH) and the colleagues on the other side of the aisle that helped with this legislation, this is probably a more efficient way to help more people in more countries than a lot of the foreign aid that we have pursued in prior years.

Mr. Speaker, in closing, let me say I urge my colleagues to vote for H.R. 4073.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before yielding back the balance of my time, there are a number of people to thank again. I mentioned the Members earlier on. I would like to thank Peter Smith of our distinguished staff; Joseph Rees; Andy Napoli and George Phillips, who worked on this legislation; Nisha Desai, who also worked very hard on the bill; Jed D'Ercole, from the staff of the gentleman from Indiana (Mr. ROEMER), for his work as well; and also Mr. Dan Freeman, who is our parliamentarian extraordinaire, who was also very, very helpful in crafting this legislation.

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 4073 and I commend chairman HYDE and Ranking Minority Member TOM LANTOS for bringing this measure to the Floor for a vote. Microcredit is a key anti-poverty tool. With one fifth of the world's population struggling to survive on less than \$1 a day, it is vital that we expand opportunities for the poor to help themselves. This can be done by more effectively utilizing our microenterprise resources.

H.R. 4073 would reprioritize USAID efforts in the microenterprise arena to ensure that resources are spent more effectively and with the greatest return rate.

We know the capabilities of microenterprise development assistance programs. However we can take better advantage of their potential. Specifically, the U.S. Agency for International Development should better track poverty-lending money and report whether it has been complying with the Congressional priority. We also need to mandate that at least half of all microenterprise resources be directed to programs serving the very poor. Additionally, USAID should be better able to ensure that its programs for the poor are reaching a majority of very poor clients and better reward programs upfront for reaching the poorest more effectively. H.R. 4073 attempts to do accomplish all these worthy goals.

Accordingly, I thank Chairman HYDE and Ranking Member LANTOS for their leadership, and my colleagues, CHRIS SMITH, DONALD PAYNE, AMO HOUGHTON and TIM ROEMER for

their efforts to craft this legislation. Hopefully, as our Senate counterparts take up the microenterprise issue in the coming days, they will also include the key poverty provisions contained in this bill. I urge my colleagues to support H.R. 4073.

Mr. KIRK. Mr. Speaker, I rise today in strong support of H.R. 4073, the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 Amendments Act. This legislation is absolutely critical in the fight against global poverty, and serves as a reminder of the importance of our nation's continued foreign aid.

As a staffer for the House International Relations Committee under Chairman GILMAN, I worked to craft the original legislation that helped establish microenterprise grant assistance. Now, as we consider reauthorizing and increasing funding levels for these critical programs, I strongly urge my colleagues to join me in support of this legislation.

Despite the overall growth of the international economy over the last twenty years, billions of people throughout the world continue to live on less than one dollar per day. The world's poorest people do not have the appropriate resources to start small businesses despite the fact that in many areas, starting a business requires as little as \$100. As a proven method of foreign aid, microenterprise has successfully paved the way for nearly 20 million people to achieve economic independence and a better way of life. Small business is the lifeblood of our thriving American economy. We must make every effort to ensure that our friends abroad are given the same opportunities to start and maintain their own businesses.

Micro-financing stimulates growth, generates new employment, and can help raise the income of others. Additionally, these programs promote higher household income and increased family welfare. While microenterprise has been proven to enhance the lives of the world's poorest people, it has also played a specific role in bettering the lives of poor women throughout the world. Studies indicate that the majority of those who benefit from microenterprise are women.

Please join me in supporting this bill, which would responsibly increase funding for microenterprise programs to \$175 million in FY 2003 and \$200 million in FY 2004. As the world's leader in foreign aid contributions and as a beacon of freedom and prosperity, the United States must continue to guide the world out of the darkness of poverty, and microenterprise is one effective avenue to accomplish this goal.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today in support of H.R. 4073, the Microenterprise For Self Reliance Act of 2000 and the Foreign Assistance Act of 1961 Amendments Act. Microenterprise is the provision of small loans that average less than \$150 dollars at competitive interest rates and other financial services to the poorest individuals in developing countries, especially women, in order to start or expand self employment ventures and pull themselves out of poverty. Microenterprise is a solution to the poorest people's inability to find satisfactory employment and obtain needed credit. While microenterprise has spread to countries in Asia, Africa, and Latin America reaching approximately 30 million clients, tens of millions of very poor families who could use microenterprise still do not have access to this effective

route out of poverty. This legislation, which increases assistance through microenterprise organizations, is a step in the right direction to expanding this successful program.

Microenterprise is an economically sound method of fighting poverty. In developing countries, the rate of repayment of well established microenterprise programs ranges from 95 to 99 percent. Due to a system of peer support used in many microenterprise models, repayment rates are high as borrowers are responsible for each other's success to ensure that every member of their group is able to pay back their loans. With support to grow and become efficient, microenterprise programs in developing countries need less grant money, can utilize loan and loan guarantees, and eventually get linked into the formal financial system. Microenterprise organizations have been able to cover 100 percent of operational costs with the interest income generated by the loans.

Women greatly benefit from the microenterprise organizations. Most of the 1.2 billion people living on less than a dollar a day are women. Women are often responsible for the upbringing of the world's children. Poverty may result in the physical and social underdevelopment of their children. Experience shows that women are good credit risk. Many women invest their income toward the well being of their families. Simultaneously, women themselves benefit from the higher social status they achieve within the home when they are able to provide income. The Women's Empowerment Program in Nepal, for example, conducted a study that showed an average of 89,000 out of 130,000 or 68 percent of women in its program experienced an increase in their decision making roles in the areas of family planning, children's marriage, buying and selling property, and sending their daughters to school, all areas of decision making traditionally dominated by men.

Mr. Speaker, in many developing countries, the self employed comprise more than 50 percent of the labor force. Access to small amounts of credit with reasonable interest rates allows poor people to move from tiny initial income generating activities to small microenterprises. In most cases, microenterprise programs offer a combination of services and resources to their clients including savings facilities, training, networking, and peer support. In this way, microenterprise allows families to work to end their own poverty with dignity.

I urge my colleagues to support this measure.

Mr. ROEMER. Mr. Speaker, last week U.S. Treasury Secretary Paul O'Neill and Irish rock star Bono on a tour of Africa called attention to the need for international development to alleviate world poverty and suffering. As their trip demonstrated, impoverished communities in the Third World will benefit greatly from an increase in U.S. foreign aid funding toward programs that can maintain stable accountability measures.

Now more than ever, Congress must achieve a bipartisan compromise in enacting new and innovative foreign aid programs that effectively meet the needs of impoverished people throughout the world. Microenterprise, the lending of very small loans to the world's poorest people that serve to start and expand small business typically in amounts as low as \$100, is a U.S. foreign aid program that fosters hope and opportunity, and counters the

fear and desperation that is exploited among the masses of unemployed and impoverished people around the world by terrorist organizations like al-Qaeda. The war on terrorism will not be won by satellites and soldiers alone; our arsenal must include humanitarian assistance that promotes freedom and opportunity for the world's poorest people. Undeniably, microenterprise programs fulfill this role in the developing world.

Mr. Speaker, today I rise to voice my strong support for H.R. 4073, a bipartisan bill that increases funding for microenterprise programs. This important legislation ensures that our investment in the world's small business owners is well-spent. Specifically, this legislation calls for targeting at least half of all microenterprise resources to the world's poorest people and provides greater accountability measures that ensure effective poverty-targeting.

Take for example the story of Violet Mutoto of Uganda. Violet, a mother of four young children, lives and works out of her small house in the tiny hamlet of Mooni, Uganda. Her mud dwelling contains no plumbing; yet she pays roughly \$18 a month in rent. Out of the front of her home, Violet operates a rudimentary store. Since receiving her first loan of \$43 from the international development organization, Freedom from Hunger, Violet has been able to pay her rent and expand her stock of supplies in her store. Now she sells cooking oils, cheese, salt, sugar, malaria pills, and other items. The diversified stock of supplies has increased her business and has afforded her the opportunity to end her older children to school. After repaying her first loan, Violet was able to assume second and third loans to begin accumulating a savings account.

H.R. 4073 is the product of a bipartisan effort to create effective foreign aid. Earlier this year, my colleague and friend, AMO HOUGHTON of New York, and I introduced H.R. 4209, the "Promoting Self-Reliance for the World's Poorest People Act of 2002." This bill called for three essential mandates: (1) increasing U.S. investment in microenterprise globally; (2) ensuring that at least half of these resources reach the poorest people, especially poor women; and (3) creating poverty assessment tools ensuring that microcredit loans reach the poorest people.

Working closely with our colleagues of the International Relations Committee and particularly with the gentleman from New Jersey, CHRIS SMITH, we were able to forge a strong compromise microenterprise bill. This legislation, H.R. 4073, thoughtfully addresses key microenterprise poverty issues and, accordingly, was passed unanimously by the committee in May. The Smith Roemer microenterprise bill, increases funding for Microenterprise programs from \$155 million to \$175 million in FY 2003 and to \$200 million in FY 2004 in the Foreign Operations budget.

I would like to thank the International Relations Committee Chairman, Mr. HYDE, and Ranking Member, Mr. LANTOS, and their respective committee staff members, Peter Smith and Nisha Desai, for their leadership on this bill. I would also like to thank Representatives AMO HOUGHTON, CHRIS SMITH, DONALD PAYNE, BEN GILMAN, and my other colleagues who lent their support and expertise to the formulation of the final bill.

Mr. Speaker, in conclusion, I strongly encourage my colleagues to vote for H.R. 4073 this afternoon. Today, Congress has the op-

portunity to support a foreign aid program that equips the world's poorest people with the tools to empower themselves. Microenterprise organizations such as Freedom from Hunger provide these vital empowerment tools in the form of tiny microcredit loans. As the story of Violet Mutoto demonstrates, by devoting greater resources to effective humanitarian programs, U.S. foreign aid can provide hope and empowerment to the world's poorest people and demonstrate that the United States is committed to spreading the rewards that can grow in a free-enterprise system.

Mr. BENTSEN. Mr. Speaker, I rise in strong support of H.R. 4073, important legislation that increases assistance for the poorest people in developing countries under microenterprise assistance programs.

This legislation focuses on the lending of very small foreign loans to start businesses in highly impoverished areas. A recent World Bank report indicates that approximately 1.3 billion worldwide live on less than \$1 a day. When targeted properly and effectively, such foreign assistance can help stop poverty, disease, and other serious threats to international communities. H.R. 4073 increases current funding to \$175 million in fiscal year 2003, and \$200 million in fiscal year 2004 in the Foreign Operations budget.

More importantly, microcredit provides a valuable and much-needed resource to many of our allies and their citizens, an important and vital goal for the United States. Here today, we have the chance to show our support for promising small business efforts worldwide, and the positive impact such enterprises have within their nations. Microcredit currently reaches 30 million people, 19 million of whom are among the very poor and live in extreme poverty. H.R. 4073 builds on efforts to prevent these tragic circumstances by ensuring a stronger loan support system, along with the funds to help international business growth efforts to succeed.

As this program is already in place and is a proven success, I encourage my colleagues to join me in support of this bill. Working with the Administration and my colleagues in the House, I look forward to enacting thoughtful loan assistance legislation and battling global poverty and suffering.

For all these reasons, Mr. Speaker, I urge my colleagues to join me in support for H.R. 4073, to support business development efforts on a global scale, and to help build new communities worldwide.

Mr. SMITH of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4073, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NATIONAL TRANSPORTATION SAFETY BOARD REAUTHORIZATION ACT OF 2002

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 4466) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003, 2004 and 2005, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4466

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Transportation Safety Board Reauthorization Act of 2002".

TITLE I—NTSB REAUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEARS 2003–2005.—Section 1118(a) of title 49, United States Code, is amended—

(1) by striking "and"; and

(2) by striking "such sums to" and inserting the following: "\$73,325,000 for fiscal year 2003, \$84,999,000 for fiscal year 2004, and \$89,687,000 for fiscal year 2005. Such sums shall".

(b) EMERGENCY FUND.—Section 1118(b) of such title is amended by striking the second sentence and inserting the following: "In addition, there are authorized to be appropriated such sums as may be necessary to increase the fund to, and maintain the fund at, a level of not to exceed \$6,000,000.".

(c) NTSB ACADEMY.—Section 1118 of such title is amended by adding at the end the following:

"(c) ACADEMY.—There are authorized to be appropriated to the Board for necessary expenses of the National Transportation Safety Board Academy, not otherwise provided for, \$3,347,000 for fiscal year 2003, \$4,896,000 for fiscal year 2004, and \$4,995,000 for fiscal year 2005. Such sums shall remain available until expended."

SEC. 102. ACCIDENT AND SAFETY DATA CLASSIFICATION AND PUBLICATION.

Section 1119 of title 49, United States Code, is amended by adding at the end the following:

"(c) APPEALS.—

"(1) NOTIFICATION OF RIGHTS.—In any case in which an employee of the Board determines that an occurrence associated with the operation of an aircraft constitutes an accident, the employee shall notify the owner or operator of that aircraft of the right to appeal that determination to the Board.

"(2) PROCEDURE.—The Board shall establish and publish the procedures for appeals under this subsection.

"(3) LIMITATION ON APPLICABILITY.—This subsection shall not apply in the case of an accident that results in a loss of life."

SEC. 103. SECRETARY OF TRANSPORTATION'S RESPONSES TO SAFETY RECOMMENDATIONS.

Section 1135(d) of title 49, United States Code, is amended to read as follows:

"(d) REPORTING REQUIREMENTS.—

"(1) ANNUAL SECRETARIAL REGULATORY STATUS REPORTS.—On February 1 of each year, the Secretary shall submit a report to Congress and the Board containing the regulatory status of each significant safety recommendation made by the Board to the Secretary (or to an Administration within the Department). The Secretary shall continue to report on the regulatory status of each such recommendation in the report due on February 1 of subsequent years until final regulatory action is taken on that recommendation or the Secretary (or an Administration within the Department) determines and states in such a report that no action should be taken.

"(2) FAILURE TO REPORT.—If on March 1 of each year the Board has not received the Secretary's report required by this subsection, the Board shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the Secretary's failure to submit the required report.

"(3) SIGNIFICANT SAFETY RECOMMENDATION DEFINED.—For the purposes of this subsection, the term 'significant safety recommendation' means a recommendation included in the Board's 'most wanted list'.

"(4) TERMINATION.—This subsection shall cease to be in effect after the report required to be filed on February 1, 2007, is filed."

SEC. 104. ASSISTANCE TO FAMILIES OF PASSENGERS INVOLVED IN AIRCRAFT ACCIDENTS.

(a) RELINQUISHMENT OF INVESTIGATIVE PRIORITY.—Section 1136 of title 49, United States Code, is amended by adding at the end the following:

"(j) RELINQUISHMENT OF INVESTIGATIVE PRIORITY.—

"(1) GENERAL RULE.—This section (other than subsection (g)) shall not apply to an aircraft accident if the Board has relinquished investigative priority under section 1131(a)(2)(B) and the Federal agency to which the Board relinquished investigative priority is willing and able to provide assistance to the victims and families of the passengers involved in the accident.

"(2) BOARD ASSISTANCE.—If this section does not apply to an aircraft accident because the Board has relinquished investigative priority with respect to the accident, the Board shall assist, to the maximum extent possible, the agency to which the Board has relinquished investigative priority in assisting families with respect to the accident."

(b) REVISION OF MOU.—Not later than 1 year after the date of enactment of this Act, the National Transportation Safety Board and the Federal Bureau of Investigation shall revise their 1977 agreement on the investigation of accidents to take into account the amendments made by this section and title II and shall submit a copy of the revised agreement to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 105. TECHNICAL AMENDMENTS.

Section 1131(a)(2) of title 49, United States Code, is amended by moving subparagraphs (B) and (C) 4 ems to the left.

SEC. 106. ADVERSE EFFECTS OF CARRY-ON BAGGAGE.

(a) STUDY.—The National Transportation Safety Board shall conduct a study to identify the adverse effects, including passenger injuries or other safety problems, associated with carry-on baggage stored in overhead bins aboard passenger aircraft and sufficient ways to deal with such problems.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Board shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the results of the study.

TITLE II—RAILROAD FAMILY ASSISTANCE

SEC. 201. ASSISTANCE BY NATIONAL TRANSPORTATION SAFETY BOARD TO FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Subchapter III of chapter 11 of title 49, United States Code, is amended by adding at the end the following:

"§ 1138. Assistance to families of passengers involved in rail passenger accidents

"(a) IN GENERAL.—As soon as practicable after being notified of a rail passenger accident within the United States involving a rail passenger carrier and resulting in a major loss of life, the Chairman of the National Transportation Safety Board shall—

"(1) designate and publicize the name and phone number of a director of family support services who shall be an employee of the Board and shall be responsible for acting as a point of contact within the Federal Government for the families of passengers involved in the accident and a liaison between the rail passenger carrier and the families; and

"(2) designate an independent nonprofit organization, with experience in disasters and posttrauma communication with families, which shall have primary responsibility for coordinating the emotional care and support of the families of passengers involved in the accident.

"(b) RESPONSIBILITIES OF THE BOARD.—The Board shall have primary Federal responsibility for—

"(1) facilitating the recovery and identification of fatally injured passengers involved in an accident described in subsection (a); and

"(2) communicating with the families of passengers involved in the accident as to the roles of—

"(A) the organization designated for an accident under subsection (a)(2);

"(B) Government agencies; and

"(C) the rail passenger carrier involved,

with respect to the accident and the post-accident activities.

"(c) RESPONSIBILITIES OF DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) shall have the following responsibilities with respect to the families of passengers involved in the accident:

"(1) To provide mental health and counseling services, in coordination with the disaster response team of the rail passenger carrier involved.

"(2) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

"(3) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

"(4) To arrange a suitable memorial service, in consultation with the families.

"(d) PASSENGER LISTS.—

"(1) REQUESTS FOR PASSENGER LISTS.—

"(A) REQUESTS BY DIRECTOR OF FAMILY SUPPORT SERVICES.—It shall be the responsibility of the director of family support services designated for an accident under subsection (a)(1) to request, as soon as practicable, from the rail passenger carrier involved in the accident a list, which is based on the best available information at the time of the request, of the names of the passengers that were aboard the rail passenger carrier's train involved in the accident. A rail passenger carrier shall use reasonable efforts, with respect to its unreserved trains, and passengers not holding reservations on its other trains, to ascertain the names of passengers aboard a train involved in an accident.

"(B) REQUESTS BY DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) may request from the rail passenger carrier involved in

the accident a list described in subparagraph (A).

“(2) **USE OF INFORMATION.**—The director of family support services and the organization may not release to any person information on a list obtained under paragraph (1) but may provide information on the list about a passenger to the family of the passenger to the extent that the director of family support services or the organization considers appropriate.

“(e) **CONTINUING RESPONSIBILITIES OF THE BOARD.**—In the course of its investigation of an accident described in subsection (a), the Board shall, to the maximum extent practicable, ensure that the families of passengers involved in the accident—

“(1) are briefed, prior to any public briefing, about the accident and any other findings from the investigation; and

“(2) are individually informed of and allowed to attend any public hearings and meetings of the Board about the accident.

“(f) **USE OF RAIL PASSENGER CARRIER RESOURCES.**—To the extent practicable, the organization designated for an accident under subsection (a)(2) shall coordinate its activities with the rail passenger carrier involved in the accident to facilitate the reasonable use of the resources of the carrier.

“(g) **PROHIBITED ACTIONS.**—

“(1) **ACTIONS TO IMPEDE THE BOARD.**—No person (including a State or political subdivision) may impede the ability of the Board (including the director of family support services designated for an accident under subsection (a)(1)), or an organization designated for an accident under subsection (a)(2), to carry out its responsibilities under this section or the ability of the families of passengers involved in the accident to have contact with one another.

“(2) **UNSOLICITED COMMUNICATIONS.**—No unsolicited communication concerning a potential action for personal injury or wrongful death may be made by an attorney (including any associate, agent, employee, or other representative of an attorney) or any potential party to the litigation to an individual (other than an employee of the rail passenger carrier) injured in the accident, or to a relative of an individual involved in the accident, before the 45th day following the date of the accident.

“(3) **PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.**—No State or political subdivision may prevent the employees, agents, or volunteers of an organization designated for an accident under subsection (a)(2) from providing mental health and counseling services under subsection (c)(1) in the 30-day period beginning on the date of the accident. The director of family support services designated for the accident under subsection (a)(1) may extend such period for not to exceed an additional 30 days if the director determines that the extension is necessary to meet the needs of the families and if State and local authorities are notified of the determination.

“(h) **DEFINITIONS.**—In this section, the following definitions apply:

“(1) **RAIL PASSENGER ACCIDENT.**—The term ‘rail passenger accident’ means any rail passenger disaster occurring in the provision of—

“(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

“(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,

regardless of its cause or suspected cause.

“(2) **RAIL PASSENGER CARRIER.**—The term ‘rail passenger carrier’ means a rail carrier providing—

“(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

“(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,

except that such term shall not include a tourist, historic, scenic, or excursion rail carrier.

“(3) **PASSENGER.**—The term ‘passenger’ includes—

“(A) an employee of a rail passenger carrier aboard a train;

“(B) any other person aboard the train without regard to whether the person paid for the transportation, occupied a seat, or held a reservation for the rail transportation; and

“(C) any other person injured or killed in the accident.

“(i) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.

“(j) **RELINQUISHMENT OF INVESTIGATIVE PRIORITY.**—

“(1) **GENERAL RULE.**—This section (other than subsection (g)) shall not apply to a railroad accident if the Board has relinquished investigative priority under section 1131(a)(2)(B) and the Federal agency to which the Board relinquished investigative priority is willing and able to provide assistance to the victims and families of the passengers involved in the accident.

“(2) **BOARD ASSISTANCE.**—If this section does not apply to a railroad accident because the Board has relinquished investigative priority with respect to the accident, the Board shall assist, to the maximum extent possible, the agency to which the Board has relinquished investigative priority in assisting families with respect to the accident.”

(b) **CONFORMING AMENDMENT.**—The table of sections for such chapter is amended by inserting after the item relating to section 1137 the following:

“1138. Assistance to families of passengers involved in rail passenger accidents.”

SEC. 202. RAIL PASSENGER CARRIER PLANS TO ADDRESS NEEDS OF FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) **IN GENERAL.**—Part C of subtitle V of title 49, United States Code, is amended by adding at the end the following new chapter:

“CHAPTER 251—FAMILY ASSISTANCE

“Sec.

“25101. Plans to address needs of families of passengers involved in rail passenger accidents.

“§ 25101. Plans to address needs of families of passengers involved in rail passenger accidents

“(a) SUBMISSION OF PLANS.—Not later than 6 months after the date of the enactment of this section, each rail passenger carrier shall submit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving a train of the rail passenger carrier and resulting in a major loss of life.

“(b) CONTENTS OF PLANS.—A plan to be submitted by a rail passenger carrier under subsection (a) shall include, at a minimum, the following:

“(1) A plan for publicizing a reliable, toll-free telephone number, and for providing staff, to handle calls from the families of the passengers.

“(2) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, either by utilizing the services of the organization designated for the accident under section 1138(a)(2) of this title or the services of other suitably trained individuals.

“(3) An assurance that the notice described in paragraph (2) will be provided to the family of a passenger as soon as the rail passenger carrier has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified) and, to the extent practicable, in person.

“(4) An assurance that the rail passenger carrier will provide to the director of family support services designated for the accident under section 1138(a)(1) of this title, and to the organization designated for the accident under section 1138(a)(2) of this title, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for the rail passenger carrier to use reasonable efforts to ascertain the names of passengers aboard a train involved in an accident.

“(5) An assurance that the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within the control of the rail passenger carrier.

“(6) An assurance that if requested by the family of a passenger, any possession of the passenger within the control of the rail passenger carrier (regardless of its condition) will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation.

“(7) An assurance that any unclaimed possession of a passenger within the control of the rail passenger carrier will be retained by the rail passenger carrier for at least 18 months.

“(8) An assurance that the family of each passenger or other person killed in the accident will be consulted about construction by the rail passenger carrier of any monument to the passengers, including any inscription on the monument.

“(9) An assurance that the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

“(10) An assurance that the rail passenger carrier will work with any organization designated under section 1138(a)(2) of this title on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following each accident.

“(11) An assurance that the rail passenger carrier will provide reasonable compensation to any organization designated under section 1138(a)(2) of this title for services provided by the organization.

“(12) An assurance that the rail passenger carrier will assist the family of a passenger in traveling to the location of the accident and provide for the physical care of the family while the family is staying at such location.

“(13) An assurance that the rail passenger carrier will commit sufficient resources to carry out the plan.

“(14) An assurance that the rail passenger carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.

“(15) An assurance that, upon request of the family of a passenger, the rail passenger

carrier will inform the family of whether the passenger's name appeared on any preliminary passenger manifest for the train involved in the accident.

“(c) LIMITATION ON LIABILITY.—A rail passenger carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the rail passenger carrier in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by the rail passenger carrier under subsection (b), unless such liability was caused by conduct of the rail passenger carrier which was grossly negligent or which constituted intentional misconduct.

“(d) DEFINITIONS.—In this section—

“(1) the terms ‘rail passenger accident’ and ‘rail passenger carrier’ have the meanings such terms have in section 1138 of this title; and

“(2) the term ‘passenger’ means a person aboard a rail passenger carrier's train that is involved in a rail passenger accident.

“(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.”.

(b) CONFORMING AMENDMENT.—The table of chapters for subtitle V of title 49, United States Code, is amended by adding after the item relating to chapter 249 the following new item:

“251. FAMILY ASSISTANCE 25101”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MICA) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise this afternoon in support of H.R. 4466. This legislation is the National Transportation Safety Board Reauthorization Act of 2002. It is necessary from time to time to reauthorize agencies, and it is our responsibility as the Subcommittee on Aviation of the Committee on Transportation and Infrastructure to reauthorize this agency, which this bill does, through the year 2005.

The National Transportation Safety Board is a relatively small agency; however, it has a large and significant mission. Its responsibility is to determine the probable cause of traffic and transportation accidents and also to promote transportation safety.

To fulfill this important mission, the NTSB investigates accidents, and, based on those investigations, makes safety recommendations to Federal, State and local government agencies. The NTSB also advises the transportation industry regarding actions that should be taken to prevent accidents.

The NTSB, I must say, has an absolutely outstanding reputation for its work, its professionalism, its independence, and the manner in which it conducts its transportation accident investigations.

The NTSB, however, has no authority to require implementation of its rec-

ommendations. While it has an excellent track record in working with agencies to ensure that its recommendations are implemented, some of the important safety recommendations remain open for years, and this is one of the changes that our committee wanted to make as we reauthorized this important agency.

One of the problems, again, is we have not had these recommendations closed. They have been open for years. For example, the NTSB's recommendation to improve airport runway safety, their recommendations have been on the NTSB's most wanted list of safety improvements each year since the inception of the list in 1990.

Also on the most wanted list is the Board's recommendation to reduce fuel tank flammability. This important recommendation was issued in December of 1996 after the terrible tragedy of TWA Flight 800. Over five years later, this recommendation is still in the category of “open.” While we cannot expect instant results on such complex and complicated issues and investigations, neither can we afford to wait five to 10 years or more to address important aviation safety problems.

To address this problem, this reauthorization legislation, H.R. 4466, requires that the Secretary of Transportation submit an annual report to the Congress, and that report must include the regulatory status of each recommendation made by the NTSB to the Secretary of Transportation that is included in the NTSB's most wanted list of safety improvements. We would expect the Secretary's report to state not only whether the Secretary agrees with the recommendation, but, more importantly, what actions are necessary to implement the recommendations, including target dates for these specific actions.

The most wanted list is important because it is established by the NTSB each year and it is reviewed and considered in an open session. The list represents the Board's best judgment regarding which of its recommendations should in fact be expedited. This new provision will bring, we feel, needed attention to those recommendations that will have the very greatest impact on transportation safety. It will also encourage the timely implementation of those recommendations. I strongly support this provision, as well as other statutory changes that we have included in this reauthorization of the NTSB.

Mr. Speaker, I want to thank Chairman Marion Blakey and the entire NTSB for their tireless effort to improve our transportation safety. I want to thank the gentleman from Minnesota (Mr. OBERSTAR); the gentleman from Illinois (Mr. LIPINSKI), the ranking member of the Subcommittee on Aviation; and our full committee chairman, the gentleman from Alaska (Mr. YOUNG), for their work and cooperation in bringing this important reauthorization forward in a bipartisan and timely manner.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4466, the reauthorization of the National Transportation Safety Board. The gentleman from Florida (Chairman MICA) has articulated already in very detailed and, I think, very thoughtful fashion much of the splendid work that the NTSB accomplishes year in and year out. But we are here today in support of legislation to advance the cause of the Nation's premier transportation investigative agency; not only the Nation's premier investigative agency in the arena of transportation, but for the entire world, for the NTSB has served as a model for other countries to develop similar independent transportation investigative agencies, and particularly investigative agencies in the field of aviation.

The NTSB Board and their professional staff, career staff, have traveled throughout the world to help other countries establish, organize, write the legislative, charter and launch similar independent safety board investigative entities. It behooves us to always do our utmost through the legislative process and through the appropriations to keep the NTSB in the forefront of transportation safety.

Since we last authorized the board in the year 2000, it has investigated 6,240 aviation accidents, 112 highway accidents, 62 railroad accidents, 28 pipeline and hazardous material accidents, 17 marine accidents, and issued a total of 652 safety recommendations. It has played a major role in helping other nations do their investigations, such as recently with the China Air tragedy.

To maintain that role, we have to assure that NTSB will continually have the personnel and the funding it needs to undertake increasingly complex accident investigations. It seems that as our technology progresses in both aviation and surface transportation, as well as maritime transportation, the accidents that result become more complex, more challenging to investigate and more difficult to understand. For that purpose, the NTSB has realized that it too has needed to stay ahead of the state of the art, and recently broke ground for a new training academy to house the teaching of state-of-the-art investigative techniques for transportation accidents. The funding that we provide in this legislation will help the NTSB to provide the personnel and the resources for those personnel at headquarters, as well as at the academy, with the \$247.7 million authorization over the next three years.

□ 1500

The bill also authorizes an increase in the size of the emergency fund for NTSB from \$2 million to \$6 million to cover the ever-increasing costs of these increasingly complex accident investigations that the board must undertake.

One of the core functions is to assist families of passengers who have been victims of an aviation accident. In previous legislation, when the presiding officer who has just left the Chair, the gentleman from Illinois (Mr. LAHOOD), was on our Committee on Transportation and Infrastructure, he led the way to extend the authority of the NTSB to help the families of accident victims. We have extended that authority in this legislation to families of rail accident victims.

Title II of the bill incorporates the provisions of the Rail Passenger Disaster Family Assistance Act, requiring that interstate passenger railroads submit to the Secretary of Transportation and to the Chair of the NTSB a plan to address the needs of the families of passengers involving any railroad accident involving major loss of life.

The plan must address publication of a toll-free number to handle calls from family members, procedures for developing passenger lists, the process for notifying family members, and other provisions we need not detail at this time.

One element of the legislation that I think is particularly important is a prohibition against unsolicited communication by attorneys until at least 45 days following an accident. This is a matter that had unanimous support within our committee.

In times of tragedy, the families of victims are particularly vulnerable to unscrupulous persons who inevitably want to prey upon family loss. The bill will make that kind of shameless behavior illegal. It will give rail passengers the same protections as those we provided for airline passengers. We provided this same protection a few years ago in NTSB reauthorization.

Another provision for protection of families is that in accidents caused by intentional criminal acts, in the year 2000 the Congress authorized the transfer of investigative priorities for such cases from the NTSB to the Federal Bureau of Investigation to avoid the confusion that results in a case where there are overlapping factors, as occurred in TWA 800. It was not clear at the outset whether this was a classic aviation accident or whether it was an incident caused by a terrorist act.

The FBI at first treated it as a criminal act, and there was confusion as to who had authority. We attempted to clarify that authority and transferred the investigative priority from NTSB to the FBI for cases in which there is an intentional criminal act, but there was no mechanism to transfer the responsibility for family affairs from the NTSB to the FBI. Following the events of September 11, the NTSB concluded that when the FBI gets investigative responsibility for an aircraft accident, family affairs responsibilities should transfer as well. So this legislation makes that transfer of authority in both aviation and rail accidents.

It addresses another matter of significant importance, and that is the

notoriously slow response by other modal entities in the Department of Transportation to the NTSB safety recommendations. It was a matter of great concern when I chaired the Subcommittee on Aviation, and the gentleman from Florida (Chairman MICA) has articulated that concern just previously in his statement.

There should be no delay. The Department of Transportation and other modal agencies should respond promptly. This bill requires DOT to report annually on the regulatory status of significant safety recommendations made by the NTSB, regardless of the year in which the recommendation was made. That will enable us in the Congress, on behalf of the public, to keep better tabs on the progress the sister agencies in DOT are making in response to these very important safety recommendations.

This is a critically important piece of legislation. The NTSB does not get public attention until a board member or an investigator is standing in front of a camera crew at the site of a tragedy, responding methodically, thoughtfully, and objectively to endless reporter questions about this tragedy and how it occurred and what will be the future of safety in surface or air transportation. We must give the board all the resources it needs to continue to do its job impassively, objectively, and effectively.

I express my great appreciation to the chairman, the gentleman from Florida (Mr. MICA), for the work he has done; to our ranking member, the gentleman from Illinois (Mr. LIPINSKI); and to my good friend, the chairman of the full committee, the gentleman from Alaska (Mr. YOUNG); and also to the gentleman from New York (Mr. QUINN), chairman of the Subcommittee on Railroads; and to our colleague, the gentleman from Tennessee (Mr. CLEMENT).

Mr. Speaker, I reserve the balance of my time.

Mr. MICA. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman from Florida for yielding time to me.

In support of this bill, I would like to relay to my colleagues my personal experience with the National Transportation Safety Board. Last week, there was a train wreck in Pottersville, Michigan, in my congressional district. Thirty-five of the 58 cars of the Canadian National Train going through Pottersville were derailed; and, of course, the question that is asked of legislators is why did it happen and what are the health and safety issues.

So I called the National Transportation Safety Board. It was interesting, all of the information they had. They knew that the track was manufactured in 1976, that it was laid in 1977, that certain portions of the track were welded at the factory, and how much welding was on site. They were ex-

tremely helpful investigating and analyzing and sharing some of the information that was available in that Pottersville train wreck.

I think we are all somewhat concerned with the additional visibility of train wrecks that we have seen in Florida, in California, in Detroit, and last week in Pottersville, Michigan. It was an extremely nervous situation in Pottersville because of the 35 derailed cars. There were nine tankers of propane and two tankers of sulphuric acid. So it was an immediate concern to the community; 2,200 individuals were evicted from their homes, all wondering about safety, why it happened and if it might happen again.

I just would like to commend the NTSB and the Federal Railroad Administration, the community, our first responders and Rick Jones, the county sheriff, for all having the kind of cooperation that minimized risk and now has totally eliminated any danger or any health problems; I also commend Canadian National, who was very, very quick to be on the spot to minimize any health hazards, and agreeing to pay for damages caused by that railroad accident.

I would summarize in saying that probably the National Transportation Safety Board might even need more support as we prepare for the future challenges of rail safety.

Mr. OBERSTAR. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to associate myself with the words of the last speaker. We in Baltimore had a train derailment not very long ago, and I had an opportunity to arrive at the scene not long after that derailment. When I got there, the National Transportation Safety Board was already present and doing an outstanding job.

The NTSB is charged by Congress with investigating every civil aviation accident in the United States and significant accidents in the other modes of transportation: railroad, highway, marine pipeline.

Since its inception in 1967, the NTSB has investigated more than 110,000 aviation accidents and thousands of surface transportation accidents. It is now recognized as one of the world's premier accident investigative agencies.

Although the NTSB has no regulatory or enforcement empowers, we increasingly rely on it in our efforts to prevent accidents and ensure the safety of all the traveling citizens. Heightened security is obviously a national priority, especially now. Therefore, our reliance on the NTSB in determining the probable cause of transportation accidents has greatly increased.

I had the opportunity to see it again in my district, and I think the amazing thing was the time that these ladies and gentlemen took in painstaking details. They had to work under some

very difficult circumstances when several trains derailed inside a tunnel; and it was very, very clear to us in Baltimore, we waited with bated breath for information coming from them.

Although we had other people working at the scene, and our local people were working and working very hard, it was the NTSB that clearly was taking the lead in helping us to try to figure out how do we go along slowly; do we have hazardous materials.

So while we are still waiting for a final determination, the fact is, they were very helpful to us all along the way.

So often, what happens in circumstances is that we take so much for granted when we have an organization like the National Transportation Safety Board and just assume they are always going to be there, that they have enough money, that everything is going to be okay, and that we are not going to need them.

The fact is that these things do happen. No one would have guessed that in the middle of Baltimore's downtown area, right at the stadium site, our two stadium sites, we would have had this incident happen, which basically closed down our downtown for several days. But thank God that the NTSB was there.

Therefore, I stand with the gentleman from Florida (Chairman MICA) and certainly our ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and all the members of our Committee on Transportation and Infrastructure in supporting this very, very important reauthorization.

Mr. OBERSTAR. Mr. Speaker, I yield back the balance of my time.

Mr. MICA. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I am pleased today, on behalf of the gentleman from Alaska (Chairman YOUNG), chairman of the full Committee on Transportation and Infrastructure, to bring to the floor for reauthorization the National Transportation Safety Board legislation. It is vital, as we have heard from the previous speakers, to continue the good work, the professionalism, and the investigative authority to this agency.

It is also a pleasure for me to help reauthorize a rather lean, well-run Federal agency that does, again, an excellent job with a limited number of staff.

With those remarks, Mr. Speaker, I am also pleased to compliment Marion Blakey, who has assumed the chairmanship last year of this important investigative arm of our government, and also compliment her on the outstanding job she has done in communicating with me since her taking office. This has continued from the horrible events of November 12, when the American airliner crashed in Long Island, through the very serious and fatal accident we had in my district in Florida involving the Amtrak auto train. So I thank the Chair of this agency for her cooperation, and I thank those involved with the agency for their work.

Finally, again, I thank the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Illinois (Mr. LIPINSKI), and the gentleman from Alaska (Mr. YOUNG) for their bipartisan effort to move H.R. 4466 for reauthorization of the NTSB to the floor.

Mr. CLEMENT. Mr. Speaker, I rise today in strong support of H.R. 4466, the National Transportation Safety Board (NTSB) Reauthorization Act of 2002. In addition to the many positive attributes already mentioned by my colleagues regarding the NTSB and their excellent service to our country, I want to particularly note the provisions in H.R. 4466 included from the Rail Passenger Disaster Family Assistance Act. These provisions allow the NTSB to provide needed assistance to the families of victims of catastrophic railroad accidents, similar to the role that the NTSB already plays in aviation accidents. Additionally, it requires intercity passenger railroads to submit a plan to the Secretary of Transportation and the Chairman of the NTSB to address the needs of families of passengers involved in accidents resulting in major loss of life. The plan must include procedures for notifying family members, developing passenger lists, and coordinating information to family members regarding an accident.

By passing this bill, we send the message that the safety of our transportation system is of the utmost importance to our citizens and Nation. I urge the adoption of this piece of legislation and extend my compliments to Chairman YOUNG, Chairman MICA, and Ranking Member OBERSTAR for their good work on this important bill.

Mr. MICA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and pass the bill, H.R. 4466, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous matter on the bill, H.R. 4466, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

□ 1515

HOLOCAUST RESTITUTION TAX FAIRNESS ACT OF 2002

Mr. SHAW. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 4823) to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime.

The Clerk read as follows:

H.R. 4823

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Holocaust Restitution Tax Fairness Act of 2002".

SEC. 2. REPEAL OF APPLICABILITY OF SUNSET OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO EXCLUSION FROM FEDERAL INCOME TAX FOR RESTITUTION RECEIVED BY VICTIMS OF NAZI REGIME.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

"(c) EXCEPTION.—Subsection (a) shall not apply to section 803 (relating to no federal income tax on restitution received by victims of the Nazi regime or their heirs or estates)."

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the rule, the gentleman from Florida (Mr. SHAW) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SHAW asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. SHAW. Mr. Speaker, I am honored to be the sponsor of this important piece of legislation, H.R. 4823, the Holocaust Restitution Tax Fairness Act. It exempts Holocaust survivors from taxation any restitution claims they received for the crimes committed against them by Nazi Germany.

The bill permanently extends a provision of The Economic Growth and Tax Reconciliation Act that makes such claims tax-free. Like the rest of the tax cut signed into law by President Bush last year, this provision sunsets in 2010. Today we are taking action to provide that for as long as the victims and their heirs receive Holocaust-related claims, they will be tax-free.

In recent years settlement agreements worth billions of dollars for Holocaust survivors have been reached. Although no amount of money could ever compensate the victims of the Holocaust for the crimes committed against them, it would be wrong for the United States Tax Code to treat these modest settlements as some sort of financial windfall. Current estimates are that there will be 88,000 Holocaust survivors in 2010 when the tax cuts sunset, many of whom reside in my South Florida district. Congress should be prepared to give these survivors the security of at least knowing that their settlement claims will not be subject to the hands of the Internal Revenue Service.

Mr. Speaker, it is as simple as this: When something is stolen from you,

you should not be taxed when it is returned. The idea that Uncle Sam might take a bite out of these claims because of the tax cut sunset is real appalling. This bill is supported by the Jewish Council for Public Affairs, the Conference of Jewish Material Claims Against Germany, the Jewish Community Relations Council of Greater Miami, the American Jewish Committee, the American Gathering/Federation of Jewish Holocaust Survivors, and the International Commission on the Holocaust Era Insurance Claims.

I submit these letters of support from the organizations that I have mentioned.

Mr. Speaker, this provision must be made permanent, not because it will simplify the tax code, nor will it stimulate our recovering economy, nor do we need to do this because it will directly affect millions of Americans' pocketbooks. This needs to be done because it is right.

With that in mind, I urge my colleagues to send a strong message of support to the victims of the Holocaust and their families by voting for this bill.

JEWISH COUNCIL FOR PUBLIC
AFFAIRS,
New York, May 31, 2002.

Hon. E. CLAY SHAW,
Rayburn House Office Building, Washington,
DC.

DEAR CONGRESSMAN SHAW: On behalf of the Jewish Council for Public Affairs, I am writing to thank you for introducing legislation to repeal the sunset provisions in the last tax package that provides exclusion from federal income tax for restitution payments received by victims of the Nazi regime (H.R. 4823). As you know, the Jewish Council for Public Affairs is the public affairs arm of the organized American Jewish community and serves as the national coordinating body for the 13 national and 122 local agencies comprising the field of Jewish community relations.

Holocaust survivors have been receiving various types of compensation payments from Germany and Austria since the 1950s. Although the Internal Revenue Service had issued several rulings exempting certain Holocaust compensation payments from taxation, (such as Rev. Rul. 56-518 and Rev. Rul. 69-212), until last year the Congress had never passed legislation that would provide broad tax exemption for all Holocaust-related payments.

Recent efforts to secure compensation payments for former slave and forced laborers who suffered under the Nazi regime, and to obtain restitution of stolen Holocaust-era assets, have and will continue to result in survivors receiving additional payments over the next several years. In light of these developments, there is a need to ensure forever that all compensation and restitution payments received by Holocaust survivors and/or their heirs are not subject to federal taxation.

No amount of money can ever compensate Holocaust survivors for the horrors they endured. However, this legislation would at least enable survivors to benefit fully from the token compensation and restitution payments they will receive in the future.

Sincerely,

HANNAH ROSENTHAL,
Executive Director.

THE AMERICAN JEWISH COMMITTEE,
Washington, DC, May 28, 2002.
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: The American Jewish Committee, the nation's premier human relations organization, with some 110,000 members and supporters and offices in 32 cities nationwide, urges you to support H.R. 4823, the Holocaust Restitution Tax Fairness Act of 2002, introduced by Representative Clay Shaw.

The Holocaust Restitution Tax Fairness Act would remove sunset provisions currently applicable to legislation enacted last year that grants tax relief to Holocaust survivors. With the passage of H.R. 1836, the Economic Growth and Tax Relief Act, the Congress decided last year that Holocaust restitution payments should not be a part of a beneficiary's taxable income. Between 1933 and 1945, Nazi Germany systematically stripped European Jews of their property. Given the complications resulting from the Jewish people's displacement following World War II, compensatory payments to Holocaust survivors have been slow in coming. In recent years there have been important developments in this area, but there are still many survivors who have not received restitution.

Because the tax relief offered to Holocaust survivors was enacted as part of H.R. 1836, it is subject to a sunset provision. Because of this, property and monetary compensation received by Holocaust survivors after 2001 will no longer be tax-free. The Holocaust Restitution Tax Fairness Act of 2002 would remove the sunset clause from H.R. 1836 insofar as it is applicable to Holocaust compensation payments. Instead of arbitrarily ending tax relief for Holocaust survivors, H.R. 4823 will continue the status quo so that this compensation will continue to be tax-free. Additionally, H.R. 4823 ensures that Holocaust survivors who receive property through restitution will not have to pay capital gains taxes should they immediately sell this newly received capital.

We strongly urge you to support the Holocaust Restitution Tax Fairness Act. Passage of this bill will demonstrate Congress' commitment to preserving principles of just compensation for all Holocaust survivors, so that all families will receive the modicum of justice that these tax-free payments reflected, no matter how long it may take. Thank you for considering our views.

Sincerely,

RICHARD T. FOLTIN,
Legislative Director and Counsel.

THE INTERNATIONAL COMMISSION ON
HOLOCAUST ERA INSURANCE
CLAIMS,
Washington, DC, May 31, 2002.

Hon. E. CLAY SHAW,
United States House of Representatives, Wash-
ington, DC.

DEAR REPRESENTATIVE SHAW: As Chairman of the International Commission on Holocaust Era Insurance Claims (ICHEIC), I would like to voice my support for H.R. 4823.

One of the greatest tragedies of history is that so many victims of the Holocaust and their families were denied the justice they deserved.

One area where the U.S. Government can attempt to ease the burdens felt by Holocaust survivors and their families is to permanently remove the tax burden of restitution payments. This is not justice, nor should it be considered as such. It is simply the least that can be done to ease some of the ongoing suffering that still remains from the Holocaust.

I fully support your efforts to permanently make Holocaust restitution payments tax-

exempt. It is impossible for anyone to say at this point if some of the claims funds or humanitarian funds will still be functioning after December 2010. But in the event that they are, why should we allow an issue of taxation to tarnish the may efforts that are being made currently to bring final resolution to this matter?

Sincerely,

LAWRENCE S. EAGLEBURGER,
Chairman.

AMERICAN GATHERING/FEDERATION
OF JEWISH HOLOCAUST SURVIVORS,
New York, NY, May 31, 2002.

Representative CLAY SHAW,
Committee on Ways and Means, House of Rep-
resentatives, Washington, DC.

DEAR REPRESENTATIVE SHAW: The United States Congress created an important provision for Holocaust survivors in this country receiving compensation and restitution payments from Germany and other countries when it passed legislation last year exempting such payments from taxation.

I ask you now to help ensure that this legislation becomes permanent. Exempting these payments from taxes sends a strong statement that the United States government believes that victims of Nazism are entitled to the full amount paid to them. As Chairman of the American Gathering of Jewish Holocaust Survivors, I can tell you that these payments are an acknowledgment of the indescribable suffering endured by Jews under the Nazis, and as such should not be treated as normal income.

As you are aware, the legislation enacted last year expires in 2010. There are thousands of survivors in the U.S. who will continue to receive payments after that date. It is important that this taxation exemption continue as long as there are Holocaust survivors alive and receiving compensation and restitution.

Sincerely,

ROMAN KENT.

JEWISH COMMUNITY RELATIONS COUNCIL,
Miami, FL, May 31, 2002.

Hon. E. CLAY SHAW,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN SHAW: Thank you for sponsoring H.R. 4823, a bill that will make permanent the exclusion from taxes of proceeds from Holocaust restitution payments. As you know, South Florida is home to one of the largest Holocaust survivor communities in the United States and the Miami Jewish community has actively advocated on their behalf for many years.

We know that no amount of money can ever compensate Holocaust survivors for the horrors they endured. However, your tax-exempt legislation would at least enable survivors to benefit fully from the token compensation and restitution payments they will receive.

We support your efforts to permanently exempt restitution payments received by victims of the Nazi regime from federal income tax.

Sincerely,

SAMUEL J. DUBBIN,
Chairman.
JUDY GILBERT-GOULD,
Director.

CONFERENCE ON JEWISH MATERIAL
CLAIMS AGAINST GERMANY, INC.,
New York, NY, May 28, 2002.

Representative CLAY SHAW,
Committee on Ways and Means, House of Rep-
resentatives, Congress of the United States,
Washington, DC.

DEAR REPRESENTATIVE SHAW: The Claims Conference was founded in 1952 by twenty

two Jewish organizations and since that date has both negotiated Holocaust restitution and compensation agreements on behalf of the Jewish people and has played a pivotal role in the distribution of funds to individuals and allocating funds to institutions that assist Nazi victims.

The Claims Conference actively supported section 803 of the Economic Growth and Tax Relief Reconciliation Act of 2001 as this provision is of great benefit to Holocaust survivors. Consequently, the Claims Conference would like to express its support for section 1 of H.R. 4823 that repeals the sunset provision of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to exclusion from Federal Income Tax for restitution received by victims of the Nazi regime.

As you are aware, the provision enacted last year expires in 2010. Thousands of Holocaust survivors in the United States currently receive pensions related to their persecution under the Nazi regime and these survivors will continue to receive such pensions as long as they are alive, which we anticipate in the case of some survivors will be beyond 2010.

It is important for thousands of Holocaust survivors and their families that the sunset clause be repealed in order that the benefit to Holocaust survivors of this legislation can continue during the lifetime of survivors.

Sincerely yours,

ISRAEL SINGER,
President.

GIDEON TAYLOR,
Executive Vice President.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. CARDIN asked and was given permission to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, first, let me thank the gentleman from Florida (Mr. SHAW) for bringing forward this bill.

I strongly support H.R. 4823, the Holocaust Restitution Tax Fairness Act of 2002. The gentleman from Florida (Mr. SHAW) has explained the purpose of this legislation and I just want to underscore on the importance of making sure that the funds that the Holocaust survivors receive in restitution are not subject to taxes here in the United States.

We know that the victims and their families have already paid a terrible price. No amount of money can compensate for their suffering, but Congress can guarantee that the survivors can keep the full amount of the money that they receive in partial restitution. Many families are depending upon those funds and they do not know now that 10 years from now what Congress will do as far as extending the tax law. It is important that we clarify it now, and I strongly support this legislation.

As a member of the Commission on Security and Cooperation in Europe, commonly referred to as the Helsinki Commission, I have been fortunate to help a number of my constituents reclaim their family property that has been seized by Nazi or communist regimes during and immediately after World War II.

As we continue to press Europe and former Soviet Republic governments to

enact nondiscriminatory property restitution laws, Congress should take this step to ensure that the United States Government does not benefit from the restitution claims.

The Conference on Jewish Material Claims Against Germany is overseeing the distribution of an estimated 60,000 restitution payments to individuals residing in the United States. Mr. Speaker, I might add that there are other governments and institutions that are now participating in restitution claims for the victims of Nazi Germany.

Mr. Speaker, this bill has a nominal fiscal impact on government revenues, and I urge my colleagues to support the legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. LEVIN) who is a distinguished member of the Committee on Ways and Means.

Mr. LEVIN. Mr. Speaker, I thank the gentleman for yielding me time, my colleague and good friend.

In a real sense there cannot be restitution, but this is a small way that a small part can be restored where people, survivors or their heirs lost assets, they were either expropriated or stolen or in other ways lost. There is argument over making permanent some provisions of the tax bill that was passed earlier in this session. I trust there is no dispute about making permanent this provision. It is a small step that we can take to bring a small measure of justice when full justice cannot begin to be restored. So I would very much rise in support of this proposal and urge its unanimous support.

Mr. SHAW. Mr. Speaker, I yield two minutes to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Speaker, I thank the gentleman from Florida (Mr. SHAW) for yielding me time.

Mr. Speaker, I rise today in support of H.R. 4823, the Holocaust Restoration Tax Fairness Act. Mr. Speaker, in recent years settlement agreements worth millions of dollars have been reached to compensate Holocaust survivors. Many of these survivors who live in the United States receive small payments from these restoration agreements. Currently, Holocaust victims are exempt from paying income tax on the restoration payments they receive. But a provision in the tax code sunsets this exemption on January 1, 2011.

This heroic group of Holocaust survivors is an aging population and current estimates show that there will only be 88,000 living Holocaust survivors by the year 2011. If we fail to pass this legislation, many of the victims who suffered directly at the hands of the Nazis will be forced to share up to one-third of their restoration payments with the Internal Revenue Service.

Mr. Speaker, let us pass this legislation and allow the survivors of the Holocaust to fully keep what was and is rightfully theirs.

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 4823 and I commend the gen-

tleman from Florida, my friend and colleague Congressman SHAW, for introducing it. I strongly urge my colleagues to adopt this worthy legislation.

This act will prevent government taxation from incurring on any payments of restitution to Holocaust survivors after 2010. This is a significant beneficial provision for the Economic Growth and Tax Relief act. It is imperative that we make this provision permanent. If not, it is possible that Holocaust survivors could lose one third of their restitutory income.

These payments are quite modest to begin with and by 2010 the majority of beneficiaries will be elderly members of the population who are already in need of economic aid. The loss of one third of their compensation would greatly deprive them. These payments are compensation for pain and suffering and should be off limits to the government. The IRS has no right in profiting from the pain of others and therefore, the act before us should be passed.

We have a moral obligation to help those who suffered at the hands of evil regimes during world war two. It is only fair that these unfortunate souls be compensated for their pain without government taxation. Accordingly, I urge my colleagues to fully support this measure.

Mr. BENTSEN. Mr. Speaker, I rise in strong support of H.R. 4823, important legislation that permanently excludes taxable income all forms of restitution payments to victims of the Nazi regime.

This legislation is a small but important step in recognizing the suffering that the Holocaust inflicted on millions of families, including several who live in my district, the 25th Congressional District of Texas. These individuals, in addition to being displaced from their homes, families, and communities, also suffered devastating economic loss when the Nazi regime pillaged their finances and assets. As the appropriate entities have made necessary restitution payments to these victims, it is important to protect these funds that the recipients have paid dearly for.

This is the essence of H.R. 4823, which makes permanent the tax protection offered in the Economic Growth and Tax Relief Reconciliation Act, H.R. 1836, which excluded these assets from taxable income for the fiscal year 2001 to 2011 period, and was enacted into law last June. I am also pleased to note that H.R. 4823 is similar to legislation I cosponsored in the 106th Congress, H.R. 3511, which unfortunately did not become law. Today, however, we can rectify that effort and successfully pass the current bill, and help compensate the enormous losses suffered by victims of the Holocaust.

For all these reasons, Mr. Speaker, I urge my colleagues to join me in support for H.R. 4823.

Mr. WELLER. Mr. Speaker, I appreciate the opportunity to offer my support for H.R. 4823, a bill which repeals the sunset of a provision in the Economic Growth and Tax Relief Reconciliation Act of 2001 which provides a Federal income tax exclusion for restitution payments received by victims of the Nazi Regime.

During the 106th Congress, Congressman ROBERT MATSUI and I introduced a bill, H.R. 1292, which would have excluded from gross income any amount received by an individual, or any heir of the individual from any person as a result of any moral or legal injustice experienced by such individual as a Holocaust

victim persecuted for racial or religious reasons by Nazi Germany. Many of the provisions included in H.R. 1292 were included in the tax bill signed by President Bush last year, we are working to make these provisions permanent today.

In August 1998, after many years of effort, Holocaust survivors who had assets withheld by Swiss banks or others finally received justice through a \$1.25 billion settlement. These settlements continue to be distributed to Holocaust survivors and their heirs world-wide.

the settlements return assets to their rightful owners and their heirs more than 50 years after they were first entrusted to their care. Funds have been established by banks and corporations in France, Austria, Italy and Germany to return assets such as bank accounts and insurance policies to Holocaust survivors. With the enactment of the Economic Growth and Tax Relief Reconciliation Act last year, and with H.R. 4823, which we are considering today, we can ensure that any payment, from Swiss banks or other similar sources, will not be taxed. This is clearly the right thing to do because they are receiving back what was always theirs to begin with.

With the average age of Holocaust survivors at 80, the time left to debate these payments is slipping away. Certainly, these payments will make life more comfortable for these survivors in their remaining years. To tax them on these long overdue payments would simply be wrong.

Mr. Speaker, I encourage my colleagues to support this important legislation and I thank you for the opportunity to speak in favor of H.R. 4823.

H.R. 4823—HOLOCAUST RESTITUTION TAX FAIRNESS ACT OF 2002

H.R. 4823 will make permanent provisions in the Economic Growth and Tax Relief Reconciliation Act (EGTRRA) that exclude from gross income any restitution payments received by victims of the Nazi Regime or their heirs or estates.

This bill is supported by Conference of Jewish Material Claims Against Germany (Claims Conference), Jewish Community Relations Council of Greater Miami (JCRC), American Jewish Committee (AJC), American Gathering of Jewish Holocaust Survivors, the Jewish Council for Public Affairs (JCPA), United Jewish Communities (UJC), the Religious Action Center of Reform Judaism (RAC) and International Commission on Holocaust Era Insurance.

These tax relief provisions expire or "sunset" on December 31, 2010. After that any restitution payments could be subject to federal taxation.

The sunset (i.e. expiration) of the tax provisions in EGTRRA creates significant risk and uncertainty for tax planning and other important personal decisions for victims of the Holocaust and their families.

HOLOCAUST RESTITUTION SETTLEMENTS

In recent years, settlement agreements worth billions of dollars have been reached to compensate Holocaust survivors. It is unknown what future agreements will occur but U.S. tax law should ensure that any and all future payments be excluded from federal taxation.

In addition, millions of dollars of restitution payments are made every year to thousands of survivors of the Holocaust in the form of monthly payments. If this tax provision is not made permanent, thousands of Holocaust survivors could lose over one-third of their restitution to the IRS when EGTRRA expires.

Holocaust survivors are an aging population but current estimates are that there will be 88,000 Jewish Holocaust survivors in 2010 and 37,000 in 2020. A large fraction of these survivors are receiving reparation payments. If this provision is not made permanent, those who suffered at the hands of the Nazis will be forced to share their modest payments with the government.

Not exempting this income from taxation is tantamount to the federal government "profiting" from restitution payments that are compensation for the pain and suffering of Holocaust survivors and their families.

INTERNATIONAL CONSIDERATION

The U.S. provision has served as a model for similar legislation in other countries. Specifically, the Russian government has studied and been influenced by the U.S. legislation when crafting a similar provision exempting Holocaust payments to Russian citizens.

Mrs. MALONEY of New York. Mr. Speaker, the United States has a long tradition of recognizing the importance of tax exemptions for the restitution of assets lost during World War II. The tradition began with military law 59 in 1947 and was continued by three treaties with Germany. While I voted against last year's H.R. 1836, I did support the provision exempting restitution payments for Holocaust survivors. That provision proves that the United States has retained its sensitivity to the extraordinary nature and penitent purpose of Holocaust restitution payments.

H.R. 4823 seeks to continue this proud tradition. This bill makes permanent the provision in H.R. 1836 excluding payments to Holocaust victims from taxable income. Without this bill, the exclusion for Holocaust restitution payments, like all aspects of H.R. 1836, will expire on December 31, 2010.

While no amount of money can truly compensate Holocaust survivors for the horrors they endured, in a world where Holocaust denial lives, it is crucial to make strong statements of support for Holocaust survivors. The increase over the past year of Anti-Semitic incidents in Europe makes it an especially important time to stand with those who refuse to condone Anti-Semitism.

Many of the restitution payments have maximum income qualifications. Therefore, much of the restitution goes to individuals with yearly incomes under \$20,000. Furthermore, according to the Jewish Council for Public Affairs, as many as 1.4 million people may receive claims, cutting the payments to individuals to a relatively small amount. For this money to have any real, rather than merely token, significance, the tax exemption must remain.

Australia, Canada, Finland, France, Greece, Hungary, The Netherlands, The United Kingdom, and Israel currently exempt restitution payments from taxation. So do 46 out of the 50 dates. The Federal government must continue to lead the way in supporting Holocaust Survivors. H.R. 4823 ensures that the support will not disappear in 2010.

Mr. CRANE. Mr. Speaker, I rise today in support of H.R. 4823. I am glad that we are moving forward to make permanent the provisions in the Economic Growth and Tax Relief Reconciliation Act.

The Holocaust was one of the worst atrocities committed by man against man. This simple provision will exclude compensatory payments made to victims and their heirs from taxation. Given the fact that an entire generation was nearly wiped out and that those who

survived will never fully recover from the emotional horrors of the Holocaust, this is a small way of compensating the victims. The current tax provisions are due to, "sunset," or expire on December 31, 2010. This instability makes it difficult for Holocaust victims and their families to plan their financial futures.

I find it deplorable to think that the Federal Government would seek to profit from restitution payments that are meant to compensate Holocaust victims and their families. These people have suffered enough. They must not be subjected to legislation that would rob them of over one-third of their rightful compensation.

Mr. Speaker, my brother-in-law and best friend, Andy Ross, survived the Holocaust. He was imprisoned in Belsen concentration camp until being freed by the Allied Forces. I'm not certain if he's eligible for compensation under the agreements worked out in Europe, and quite frankly, that doesn't really matter. What does matter is that while there is absolutely nothing we can do to ever erase the horrors of the Holocaust that are imbedded in the minds and hearts of those, like Andy, who survived this tragedy, we can avoid making it worse by taxing their compensation.

The thought of us promoting such a scheme as taxing these payments makes me absolutely ill.

Today, we are making a decision that might very well be the model for other nations. Therefore, I urge you, to be a role model and vote in favor of H.R. 4823.

Mr. CARDIN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHAW. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. SHAW) that the House suspend the rules and pass the bill, H.R. 4823.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SHAW. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days within which to revise and extend their remarks and include extraneous material on the subject of H.R. 4823.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

REPEALING SUNSET OF ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO EXPANSION OF CERTAIN ADOPTION PROGRAMS

Mr. CAMP. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 4800) to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

The Clerk read as follows:

H.R. 4800

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF APPLICABILITY OF SUNSET OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO ADOPTION CREDIT AND ADOPTION ASSISTANCE PROGRAMS.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

“(c) EXCEPTION.—Subsection (a) shall not apply to the amendments made by section 202 (relating to expansion of adoption credit and adoption assistance programs).”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CAMP) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4800, a bill I introduced to make permanent the adoption tax credit of the Economic Growth and Tax Relief Act of 2001.

While the enactment of the Tax Relief Act was a monumental step forward for the families who wish to adopt and the children they will take home, the bill only completed half the job. The adoption provision of that bill limits the tax credit to 10 years. This temporary extension of the tax credit will cause uncertainty in adoption planning in years to come. By eliminating the 10-year limitation, we will make adoptions easier for all families for generations to come.

Currently there are more than half a million children in foster care, of which only 27,000 are adopted each year. This bill is vital for the protection and well-being of foster care children, a majority of whom are in protective custody due to neglect and abuse. We need to provide these children and future foster children where there is no hope of family reunification a permanent home and a safe environment in which to bond and grow with loving parents. With H.R. 4800 we will permanently put the health and safety of children first and give our Nation's foster children a fighting chance.

Many do not realize just how costly adoption can be. After paying legal fees, doctor bills and travel expenses, a family can easily incur expenses of up to \$20,000 or even more. We owe it to the thousands of waiting children to make adoption an option for all working families. By repealing the 10-year sunset enacted last year, Congress will make one of the most important events in a foster child's life and the life of his or her new family financially attainable.

If H.R. 4800 is not enacted, then beginning in 2011 the adoption tax credit will be cut overnight from a maximum of \$10,000 to \$5,000. Families who adopt special needs children will no longer receive a flat \$10,000 credit. Instead they will be limited to a maximum of \$6,000. The credit will no longer be permanent. It will have to be extended each year, causing uncertainty for families. Families claiming the credit may be pushed into the alternative minimum tax. The income caps will fall from \$150,000 in annual income to \$75,000 so that fewer families will be eligible for the credit. We cannot allow this credit to lapse.

Over half a million children are counting on us to finish the job we started over a year ago. Temporary is not an option for adoption and should not be for this tax credit either. I urge my colleagues to support this vital piece of legislation.

Mr. Speaker, I reserve the balance of my time.

□ 1530

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. CARDIN asked and was given permission to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, there is broad bipartisan support for assisting adoptive families in meeting their expenses. Helping families afford the cost of adopting children into loving homes is clearly a worthwhile policy, and targeted tax relief can help promote that goal. I, therefore, support this effort to eliminate the sunset provision in the current adoption tax credit.

I think the gentleman from Michigan (Mr. CAMP) has explained the substance of the removal of the sunset of last year's tax bill, which only was effective for 10 years. This removes that sunset in last year's tax bill. However, let me make two general points about the majority's effort to eliminate the expiration dates for specific provisions in last year's tax bill.

This is not the first, but there have been several efforts to remove the sunset provision, many of which have been supported on a bipartisan basis. My first point is that if the majority had agreed to a more modest and balanced tax bill that did not provide such a huge windfall to the wealthy, there would not have been a need for a sunset provision on such worthwhile tax changes, such as increasing the adoption tax credit. For example, by the year 2006, last year's tax bill would have spent \$44 billion to reduce taxes for individuals earning over \$200,000 a year while spending only \$8 billion for families earning \$30,000 and \$40,000 a year.

Second, Mr. Speaker, by bringing this bill up on the suspension calendar, the majority has prevented any Member from offering an amendment to offset the future cost of extending the adoption tax credit. There are bills now pending in Congress to stop companies

and individuals from evading U.S. taxes by transferring assets to foreign countries.

Such legislation could pay for the extension of the adoption tax credit and other provisions that we would like to pass to remove these sunsets in last year's tax legislation.

By preventing any consideration of budget offsets for today's bills and much more expensive legislation to be considered in the future, the majority will continue the trend of forcing our children to pay for our bills.

Before I conclude, I want to mention an important improvement in the adoption tax credit which I raised as an amendment in the committee consideration of the bill and was eventually included in the conference report. Starting next year, the adoption tax credit will provide a guaranteed \$10,000 tax credit for the adoption of special-needs children, who are classified as being more difficult to place for adoption because of certain factors including a physical, mental or emotional impairment.

This means the parents adopting special-needs children are not required to itemize qualified adoption expenses which are limited to court costs and attorneys' fees. Since State foster care programs cover most of these legal expenses, many adoptive families of special-needs children have had few qualified adoption expenses.

For this reason, only 15 percent of all special-needs adoptions received any benefit from the former adoption tax credit, despite the fact that these families may have other significant adoptive-related expenses, such as homes and vehicle modifications and out-of-pocket expenses.

The new enhanced adoption tax credit addresses these problems by providing a \$10,000 tax credit to families adopting special-needs children without any requirement that they itemize specific expenses.

Mr. Speaker, there are roughly 122,000 special-needs children now waiting to be adopted out of our Nation's foster care system. These are the children waiting in line to be adopted, whereas other healthy babies and young children have prospective parents waiting in line for them. I am glad that the adoption tax credit now recognizes that reality by providing some additional assistance to families adopting special-needs children.

By passing this legislation that is before us today, we make those provisions permanent. I urge my colleagues to support the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CAMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. SHAW), the former chairman of the Subcommittee on Human Resources.

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding me this time, and I would like to congratulate the gentleman from Michigan (Mr. CAMP).

In his former life as an attorney, he spent a lot of time placing kids out of foster care into loving homes, permanent homes.

There is nothing more important I think than to do everything we can to encourage adoption in this country. One of the saddest things that we can possibly see is a child who is not loved, a child that does not have a home to go to or the security of its own room within that particular home; and I applaud the gentleman. I applaud the bipartisanism that we are getting on this bill.

I do want to, however, correct one statement that my friend from Maryland made because otherwise he was very practical and very straightforward. The reason that this and the previous bill, Holocaust tax relief, the reason these two pieces of legislation as well as the entire tax bill that they were part of was sunsetted was because it was going over to the Senate on a budget reconciliation bill which required a straight up and down vote, and it was a question of the technicalities of the Byrd rule. The requirement was not put on permanent. It had nothing to do with the size of the entire bill.

So I do want to clarify that particular issue, but it is a rare moment and all too rare in matters pertaining to taxes that this House finds itself in total agreement.

Mr. CAMP. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Speaker, it gives me great joy to stand here today to celebrate the thousands of moms, dads, and children who have become bigger and stronger families because of adoption.

I introduced the Hope for Children Act last year, along with my colleagues on both sides of the aisle in the Hope Coalition, to ensure enactment of several important adoption provisions. The Hope for Children Act extended and doubled the adoption tax credit to \$10,000 for all adoptions. Additionally, the bill extended and doubled the tax exclusion allowed for employer-provided adoption benefits and included a \$10,000 flat credit for special-needs adoption, which has been mentioned.

The Hope for Children Act was included in the tax package signed into law by President Bush last year; but unfortunately, the Senate included a sunset provision in the new law to comply with the Senate procedural rules.

Without this bill today, H.R. 4800, the new adoption law will expire after December 31, 2010, and thousands of adoptive parents will see their taxes raised overnight. Mr. Speaker, that cannot happen; and that is why we must pass the legislation today.

One of the greatest titles in the world is that of parent, and one of the biggest blessings in life is to be called mom or dad. We hope this bill will help unite children with parents and build

strong, stable families in our country. This bill will guarantee tax relief for future generations of adoptive parents. I urge all my colleagues to support this bill.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

I just want to explain that there is no question, I just want to underscore the points that my colleagues have been making, that the adoption credit, the expansion of the adoption credit and now making it permanent is a bipartisan effort. We think it is extremely important to encourage families to adopt children, particularly special-needs children. So this legislation is one that we look forward to the permanent enactment.

Going back though to the last year just one more time, I know my friend from Florida and I have talked about this frequently. There is no question that if the tax bill last year had not been \$1.35 trillion but more affordable to the fiscal condition of this country, and I think we have now seen with the large deficits that are being projected that our concerns expressed last year have become real, there is no question that if we had a more modest bill that was before us last year we would have made those provisions permanent last year, and we would have had the support of the other body. We would not have to worry about extraordinary votes in the other body, that we could have made all these provisions permanent, and we would not have been here this year piece by piece looking at specific provisions trying to remove the 10-year sunset.

When we work together as Democrats and Republicans, we usually come up with good policy. Today we are on the adoption credit. I regret that we did not do that in the past so we would not have to go through this exercise on a tax-provision-by-tax-provision basis.

Mr. Speaker, I yield back the balance of my time.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman for support of this bill and this issue. We are both on the Committee on Ways and Means, and I know he has been working on this for some time, clearly with the special-needs adoption area; and this is a bipartisan effort.

I would just finally urge support of this bill and say that all provisions in the tax bill in 2001 were sunset, and this is one area where I think that there is general agreement that should become permanent, and it was all sunset because of the Senate rules which would have required 60 votes otherwise. So, on that, I urge support of the bill.

Mrs. MALONEY of New York. Mr. Speaker, I am honored to rise in support of H.R. 4800, a bill that would extend the \$10,000 adoption tax credit and the \$10,000 employer adoption assistance exclusion so that they are not subject to the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001.

This bill is a significant step toward ensuring that every child has a loving family. I am

proud to come to the floor in support of families who wish to bring another child into their lives.

Like many of my colleagues, children's issues and legislation that increases adoption are very important to me. I am honored to represent a pro-adoption constituency. New York has traditionally adopted at one of the highest rates in the country. Unfortunately, 134,000 children across the Nation are still waiting for homes. All parents are familiar with the rising costs of raising children. Too many potential parents resist adopting because of this substantial economic burden. It is imperative that we take additional steps to relieve this financial weight on these families.

Every Member of Congress is accustomed to lobbyists continually seeking tax benefits for specific special interests. Children in need of adoption have no high-priced lobbyists and no political action committees, so their voices often fail to be heard in today's Washington. I am pleased that this House will hear their voices today.

Mr. CAMP. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Michigan (Mr. CAMP) that the House suspend the rules and pass the bill, H.R. 4800.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CAMP. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the subject of H.R. 4800, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ANNUAL REPORT OF THE COMMODITY CREDIT CORPORATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Agriculture:

To the Congress of the United States:

In accordance with the provisions of section 13, Public Law 806, 80th Congress (15 U.S.C. 714k), I transmit herewith the report of the Commodity

Credit Corporation for the fiscal year ending September 30, 2000.

GEORGE W. BUSH.
THE WHITE HOUSE, June 4, 2002.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess for approximately 10 minutes.

Accordingly (at 3 o'clock and 43 minutes p.m.), the House stood in recess for approximately 10 minutes.

□ 1556

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CULBERSON) at 3 o'clock and 56 minutes p.m.

BROWNFIELDS REDEVELOPMENT ENHANCEMENT ACT

Mrs. KELLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2941) to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields, as amended.

The Clerk read as follows:

H.R. 2941

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Brownfields Redevelopment Enhancement Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) returning the Nation's brownfield sites to productive economic use could generate more than 550,000 additional jobs and up to \$2,400,000,000 in new tax revenues for cities and towns;

(2) redevelopment of brownfield sites and reuse of infrastructure at such sites will protect natural resources and open spaces;

(3) lack of funding for redevelopment is a primary obstacle impeding the reuse of brownfield sites;

(4) the Department of Housing and Urban Development is the agency of the Federal Government that is principally responsible for supporting community development and encouraging productive land use in urban areas of the United States;

(5) grants under the Brownfields Economic Development Initiative of the Department of Housing and Urban Development provide local governments with a flexible source of funding to pursue brownfields redevelopment through land acquisition, site preparation, economic development, and other activities;

(6) to be eligible for such grant funds, a community must be willing to pledge community development block grant funds as partial collateral for a loan guarantee under section 108 of the Housing and Community Development Act of 1974, and this requirement is a barrier to many local communities that are unable or unwilling to pledge such block grant funds as collateral; and

(7) by de-linking grants for brownfields development from section 108 community development loan guarantees and the related pledge of community development block grant funds, more communities will have ac-

cess to funding for redevelopment of brownfield sites.

(b) PURPOSES.—The purpose of this Act is to provide cities and towns with more flexibility for brownfields development, increased accessibility to brownfields redevelopment funds, and greater capacity to coordinate and collaborate with other government agencies—

(1) by providing additional incentives to invest in the cleanup and development of brownfield sites; and

(2) by de-linking grants for brownfields development from community development loan guarantees and the related pledge of community development block grant funds.

SEC. 3. BROWNFIELDS DEVELOPMENT INITIATIVE.

Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended by adding at the end the following new section:

"SEC. 123. BROWNFIELDS DEVELOPMENT INITIATIVE.

"(a) IN GENERAL.—The Secretary may make grants under this section, on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545), only to eligible public entities (as such term is defined in section 108(o) of this title) and Indian tribes for carrying out projects and activities to assist the environmental cleanup and development of brownfield sites, which shall include mine-scarred lands.

"(b) USE OF GRANT AMOUNTS.—Amounts from grants under this section shall—

"(1) be used, as provided in subsection (a) of this section, only for activities specified in section 108(a); and

"(2) be subject to the same requirements that, under section 101(c) and paragraphs (2) and (3) of section 104(b), apply to grants under section 106.

"(c) AVAILABILITY OF ASSISTANCE.—The Secretary shall not require, for eligibility for a grant under this section, that such grant amounts be used only in connection or conjunction with projects and activities assisted with a loan guaranteed under section 108.

"(d) APPLICATIONS.—Applications for assistance under this section shall be in the form and in accordance with procedures as shall be established by the Secretary.

"(e) SELECTION CRITERIA AND LEVERAGING.—The Secretary shall establish criteria for awarding grants under this section, which may include the extent to which the applicant has obtained other Federal, State, local, or private funds for the projects and activities to be assisted with grant amounts and such other criteria as the Secretary considers appropriate. Such criteria shall include consideration of the appropriateness of the extent of financial leveraging involved in the projects and activities to be funded with the grant amounts.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section such sums as may be necessary for each of fiscal years 2003, 2004, 2005, 2006, and 2007."

SEC. 4. CLARIFICATION OF BROWNFIELDS REDEVELOPMENT AS ELIGIBLE CDBG ACTIVITY.

(a) TECHNICAL CORRECTION.—The penultimate proviso of the first undesignated paragraph of the item relating to "Community Development Block Grants Fund" in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104-204; 110 Stat. 2887) shall be treated as having amended section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) to read

as such section was in effect on September 30, 1995.

(b) BROWNFIELDS REDEVELOPMENT ACTIVITIES.—Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)), as in effect pursuant to subsection (a) of this section, is amended—

(1) in paragraph (24), by striking "and" at the end;

(2) in paragraph (25), by striking the period at the end and inserting "and"; and

(3) by adding at the end the following new paragraph:

"(26) environmental cleanup and economic development activities related to brownfield projects in conjunction with the appropriate environmental regulatory agencies."

SEC. 5. PILOT PROGRAM FOR NATIONAL REDEVELOPMENT OF BROWNFIELDS.

Section 108(q) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(q)) is amended by adding at the end the following new paragraph:

"(5) PILOT PROGRAM FOR NATIONAL REDEVELOPMENT OF BROWNFIELDS.—

"(A) IN GENERAL.—Using any amounts made available under this subsection, the Secretary may establish a pilot program under which grants under this subsection are used to develop, maintain, and administer (including the payment of an entity or entities selected pursuant to subparagraph (B)) a common loan pool of development loans for brownfield redevelopment projects made on behalf of eligible public entities with the proceeds of obligations guaranteed under this section, including related security and a common loans loss reserve account, for the benefit of participants in the pilot program.

"(B) SELECTION OF PROGRAM MANAGERS AND CONTRACTORS.—The Secretary may select an entity or entities on a competitive or non-competitive basis to carry out any of the functions involved in the pilot program.

"(C) TERMS FOR PARTICIPATION.—Participation by eligible public entities in the pilot program shall be under such terms and conditions as the Secretary may require.

"(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary—

"(i) for grants under this subsection to be used only in conjunction with the pilot program under this paragraph; and

"(ii) for costs of carrying out the pilot program under this paragraph and ensuring that the program is carried out in an effective, efficient, and viable manner."

SEC. 6. TECHNICAL AMENDMENT TO ALLOW USE OF CDBG FUNDS TO ADMINISTER RENEWAL COMMUNITIES.

Section 105(a)(13) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(13)) is amended by inserting "and renewal communities" after "enterprise zones".

SEC. 7. APPLICABILITY.

The amendments made by this Act shall apply only with respect to amounts made available for fiscal year 2003 and fiscal years thereafter for use under the provisions of law amended by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. KELLY) and the gentleman from Massachusetts (Mr. FRANK) will each control 20 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank our chairman, the gentleman from Ohio (Mr. OXLEY), for setting this bill up and sending it to the floor, and I rise today in strong

support of H.R. 2941, the Brownfields Redevelopment Act.

Brownfields redevelopment is an issue of critical importance to our Nation as a whole. One of my priorities in Congress has been the need for saving green spaces. A key to saving open space is directing new growth to those areas that we have already developed, where we have already got infrastructure, and where established communities are looking for revitalization: Our brownfields. Too many communities are growing like trees, with ever expanding rings of outward growth but very often the community in the middle falls out of that growth pattern. We need to revitalize our existing communities. This saves valued green spaces from uncontrolled growth and gives us much more pleasant communities in which to live.

A large part of this effort must focus on the spaces that we can rehabilitate for human habitation. This helps communities by returning these properties as tax ratables to the tax rolls. It should be our goal to ensure that any planned growth of communities has as a goal the greatest possible cleanup and redevelopment of their contaminated properties. Otherwise growth will continue the trend of sacrificing more and more of our open spaces as we simply abandon areas that have been harmed.

The Brownfields Redevelopment Act is simple and clear. First, it makes HUD's Brownfield Economic Development Initiative Fund work better for local communities by taking off the strings of cumbersome Federal loan requirements. The law which this provision changes has prevented my home county of Westchester County, New York, from applying for a Brownfields Redevelopment grant because they could not meet these requirements.

Second, it creates a pilot program to promote more brownfields locations with HUD support. In addition, the legislation makes brownfield redevelopment a qualified use for community development block grants. These provisions will assist our communities in addressing brownfields problems.

We know that blighted brownfields are more than an environment-only problem. These are places that need investments of infrastructure and economic development and business growth. HUD is well suited to give local governments the tools they need to invest in the revitalization of brownfields properties in partnership with other Federal agencies, the States, and the private sector.

This legislation represents an important step toward the ultimate goal of cleanup and redevelopment of brownfields sites. I believe making progress on this issue is something that will require local as well as State and Federal cooperation and partnerships. The gentleman from California (Mr. GARY G. MILLER) has introduced his Brownfields Redevelopment Act in an effort for the Federal Government

to play a larger part in assisting localities in this effort. This legislation makes a good step in the right direction, and as a cosponsor it has my full support.

Mr. Speaker, I want to thank the gentleman from California for championing this issue, the gentlewoman from New Jersey (Mrs. ROUKEMA) and the gentleman from Massachusetts (Mr. FRANK) for working in a strong bipartisan effort to move this legislation, and I thank the chairman, the gentleman from Ohio (Mr. OXLEY), for his efforts to ensure the legislation is moved quickly through this process.

□ 1600

Mr. Speaker, I ask all of my colleagues to join us in strong support of the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentlewoman from New York (Mrs. KELLY) having accurately described this bill, I will not repeat what the gentlewoman said. I will point out that this is an important example of the need for us to act through government to clean up some of the mistakes made by the private sector. We have brownfields because we used to underregulate. We have brownfields because there used to not be appropriate environmental protections.

Today, now that we have environmental rules, we are much less likely to get new brownfields, that is, new areas in cities that have been rendered uninhabitable by industrial excesses. But we have the industrial excesses of the past from a time when we did not have environmental regulation. For those who think there is somehow an opposition between the private sector and the public sector, and if the private sector does well and we do not need a public sector, this bill shows exactly the opposite to be the case.

We need a flexible, well-financed and vigorous public sector so that the current residents can literally clean up the mess that they inherited from private sector activities, not because the people in the private sector were bad people or trying to be hurtful, but because in the absence of the sensible environmental regulation, what they did left this residue behind. I think this is a reasonable way to make a good government program even more flexible. I hope this legislation is approved.

Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mrs. KELLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on the bill, H.R. 2941, as amended.

The SPEAKER pro tempore (Mr. CULBERSON). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. KELLY. Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from California (Mr. GARY G. MILLER) to control the time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mr. GARY G. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 2941, the Brownfield Development Enhancement Act of 2001, is to provide communities with new options when it comes to financing brownfields redevelopment projects.

The best way to explain this bill is to begin by describing how the U.S. Department of Housing and Urban Development's section 108 loan program and the Brownfields Economic Development Initiative, or BEDI, grant programs work. If a local community wishes to pursue cleanup and redevelopment funds from HUD, first, they must apply for a section 108 loan. In order to secure this loan, they must put up a portion of their Community Development block grant money as collateral. After obtaining the section 108 loan, cities may then apply for a BEDI grant.

Unfortunately, many cities are extremely hesitant to tie up their CDBO funds as loan collateral. Further, some States actually prohibit their cities from doing this. Because these cities are locked out of the section 108 loan program, they are locked out of the BEDI grant application process as well.

H.R. 2941 offers a fundamental change to the status quo by delinking the BEDI grant program from the section 108 loan program. Additionally, this bill also creates a pilot program for a revolving loan pool. As a result, cities will have new options, they can proceed, as under current law, by applying for a section 108 loan, to be secured by a portion of their CDBO funds, and then apply for a BEDI grant; cities can simply apply for a BEDI grant; cities can apply for pilot program funds; or any combination of the above which best meets their project needs.

Before I continue, I would like to thank HUD Secretary Mel Martinez and his staff for their assistance and insight on this program. I also appreciate the support I received from the gentleman from Ohio (Mr. OXLEY), the chairman of the Committee on Financial Services, and the gentlewoman from New Jersey (Mrs. ROUKEMA), the chairwoman of the Subcommittee on Housing and Community Opportunity. In addition, I would like to thank the gentlewoman from New York (Mrs. MALONEY), who has worked tirelessly on this issue since H.R. 2941 was introduced.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise in strong support of H.R. 2941, the Brownfields Redevelopment Enhancement Act.

Brownfields are abandoned, idled, or under used industrial and commercial facilities where

expansion or redevelopment is complicated by real or perceived environmental contamination. Cleaning up these sites and redeveloping them could generate 550,000 additional jobs and up to \$2.4 billion in new taxes revenues for cities and towns.

This bill will help our communities clean up the estimated 500,000 brownfield sites, including Kansas City, Missouri's Central Industrial District (CID). Also known as the "West Bottoms," Kansas City's historic Central Industrial District is a cradle of commerce and industry. It is the centerpiece of the City's Brownfields Program which has been the target for infrastructure investment by the City of Kansas City due to its development potential and central location. The City's Brownfields program has been successful in its efforts to work with a number of private sector entities to create a number of new development opportunities. Past infrastructure improvements have included storm water facilities, roads, and streetscape rehabilitation. This bill will provide for further investment, development, and environmental restoration at formerly used industrial sites, salvage yards, and other chemically contaminated sites such as the Blue River Industrial Corridor and the Missouri Riverfront Heritage Trail.

Although the Housing and Urban Development's Section 108 loan program encourages site cleanup, cities are required to pledge their community development block grant (CDBG) funds as partial collateral for the loan guarantee. Few small cities can afford to tie up their CDBG funds this way. Moreover, under current law, the Section 108 loan program is tied to the Brownfield Economic Development Initiative (BEDI) grant program. As a result, if cities cannot obtain the loan, they can't obtain the grant. H.R. 2941 provides cities with more options by delinking the BEDI grant program from the Section 108 loan guarantee program.

Empowering cities to clean up our nation's brownfields will reap many benefits for our communities. Cleaning up these sites will create a healthier environment and help preserve existing green spaces. When cities work with developers and builders to revitalize existing sales, they create an incentive for reuse as opposed to new development.

This bill will help communities redevelop contaminated sites by encouraging economic development. H.R. 2941 will help clean up our environment, revitalize the economy, and create livable communities for our children and future generations.

The passage of this bill is essential to the Kansas City Blue River Industrial Corridor, West Bottoms/Central Industrial District, and the Missouri Riverfront Heritage Trail.

I urge my colleagues to invest in our future and vote in support of H.R. 2941.

Mr. KANJORSKI. Mr. Speaker, I rise in support of H.R. 2941, the Brownfields, Redevelopment Enhancement Act. This important legislation will assist in the redevelopment of abandoned contaminated industrial sites in our nation's communities. During debate on this legislation within the Financial Services Committee, however, the lack of a definition of what constituted brownfields concerned me. More specifically, I wanted to ensure that the Department of Housing and Urban Development would consider the cleanup of mine-scarred land eligible for funding within its brownfields program.

Within my congressional district, we have significant amounts of abandoned mine land,

some of it located in or near town or city centers, and therefore ripe for economic development opportunities. Some of this land is also contaminated or potentially contaminated, sometimes having become a dumping ground for other waste, and it often contributes to water pollution, particularly acid-mine drainage. The redevelopment of this under-used land through HUD's brownfields program could help to improve the economic climate of the region.

Additionally, when Congress considered the brownfields law last year affecting the Environmental Protection Agency's programs, we provided for the eligibility of mine-scarred land. I therefore wanted to ensure parity between the agencies' programs to facilitate the efficient use of government resources to reclaim land. As a result of my concerns, I worked with the Chairman of the Financial Services Committee during our deliberations on H.R. 2941 to specifically include mine-scarred land within the bill.

From my perspective, the expansion of the definition to include excavation of culm banks and the removal of other mining waste at abandoned mine sites will benefit business, generate jobs, improve the environment, and improve the health and economy of thousands of communities across the nation. In closing, I thank the Chairman and the Committee and my colleagues on both sides of the aisle for recognizing the importance of this issue and urge my colleagues to vote in favor of this bill.

Mr. LAFALCE. Mr. Speaker, I rise in support of H.R. 2941, the "Brownfields Redevelopment Enhancement Act." This legislation includes two important provisions which will enhance the ability of localities to promote economic development and redevelopment.

First, the bill removes an unnecessary impediment to the use of HUD brownfields redevelopment funds. Redevelopment of brownfields sites is an important economic development activity in many older regions of the country, and HUD brownfields grant funds provide sorely needed funds to localities for this purpose. However, under current law, a locality may not apply for such grants unless it also agrees to use a CDBG Section 108 loan in conjunction with the proposed project.

This loan requirement is a significant impediment to full and effective use of the HUD brownfields program. It is awkward to use loans for brownfields projects, since repayment is linked to land re-sales, which are uncertain and uneven. Since localities must pledge future CDBG funds to repay Section 108 loans, many are reluctant to even apply for brownfields grants, for fear of jeopardizing critically needed economic development funds. Therefore, appropriately, H.R. 2941 "de-links" HUD brownfields grants and Section 108 loans; that is, it removes the requirement that a brownfield grant applicant must also commit to use a Section 108 loan.

Secondly, the bill includes an amendment that I authored, and which the majority agreed to during committee consideration, to explicitly allow CDBG funds to be used for the administration of Renewal Communities.

Currently, the code permits CDBG funds to be used to administer Empowerment Zones, designated areas which enjoy economic development tax incentives. Recently, Congress authorized, and HUD designated, 40 Renewal Community areas, under a program similar to Empowerment Zones. My amendment, in-

cluded in H.R. 2941, would permit localities to use CDBG funds to administer Renewal Communities, in the same way they are already permitted to administer Empowerment Zones. This will help ensure that Renewal Communities are able to achieve their full potential.

Finally, I would like to address a concern raised by some environmental groups that the legislation does not include a definition of brownfields.

These groups have suggested that the bill should include the "brownfields" definition used in the recently passed Public Law 107-118. The purpose of incorporating a definition into the code is to prevent use of brownfields funds [or CDBG funds used for brownfields purposes] to pay for cleanups where there is a viable polluter associated with the site, or at heavily contaminated sites to pay for remediation under state voluntary cleanup programs.

This is a valid concern. During committee consideration of the bill, this issue was raised, and efforts were made between committee and floor consideration to agree on a definition that would prevent the types of use cited above. Ultimately, we could not agree on a definition with the majority. However, with these environmental concerns in mind, I believe we should move forward with the legislation at this time, for a number of reasons.

First, I would like to point out that this bill does not create any concerns that do not already exist. That is because neither the HUD brownfields program nor the CDBG program (which permits brownfields use) include a statutory definition of brownfields. Enacting no bill this Congress will only ensure that the statutory lack of a brownfields definition will continue to exist.

Secondly, I would note that, at the request of the minority, the Committee Report includes language that states that "The Committee intends that HUD will continue its current practice of consulting with other Federal agencies in carrying out the Department's remediation and redevelopment activities, under its brownfields program." The report further states that HUD will continue to defer to the EPA and other federal agencies with regard to highly contaminated areas, and will continue to respect orders by the EPA and other agencies in such areas in carrying out the HUD brownfields program.

The clear intent is that HUD brownfields funds will continue to be used for economic redevelopment activities, as opposed to being used to relieve private parties of liability or to substitute for cleanup under federal environmental laws. However, if and when this bill goes to conference with the Senate, it would be appropriate to develop a brownfields definition which addresses these environmental concerns.

For all these reasons, I urge passage of the legislation.

Mr. DINGELL. Mr. Speaker, in the Detroit Metropolitan area alone, which has been home to our country's industrial strength for over 100 years, brownfields cover tens of thousands of acres of land once occupied by mighty manufacturing facilities and thriving communities. Last December, Congress passed H.R. 2869, the Small Business Liability Relief and Brownfields Revitalization Act which originated from the Committee on Energy and Commerce and provided a \$200 million authorization each year for 5 years for the Environmental Protection Agency's successful

brownfields loan and grant program. That bill became Public Law 107-118 with President Bush's signature on January 11, 2002.

The bill under consideration today, H.R. 2941, provides increased access for local entities to brownfield redevelopment funds from the Department of Housing and Urban Development (HUD). It does so by de-linking section 108 loan guarantees from HUD's Brownfield Economic Development Initiative (BEDI) grants.

Mr. Speaker, while the goal of this legislation is worthy, and one I support, its failure to include the definition of the term "brownfields" contained in Public Law 107-118 is a serious deficiency that could lead to mischief with public revenues. I note that the environmental community has also raised concerns about the absence of an appropriate definition in a letter to Members of Congress dated April 26, 2002.

The brownfield definition in Public Law 107-118 was designed to ensure that grants and loans using public funds did not go to seriously contaminated sites that fall within the purview of other cleanup authorities such as the Superfund program, the Solid Waste Disposal Act, the Toxic Substances Control Act, the Clean Water Act, the Safe Drinking Water Act, and others where the polluters could be held responsible for the cleanup. The absence of a statutory definition of the term "brownfields" in H.R. 2941 creates a potential for overlapping federal programs in conflict with one another, or at best a lack of coordination in the use of federal funds.

The remedy is an easy one and should be noncontroversial since the Congress and President Bush have already agreed on a definition of "brownfields" in Public Law 107-118.

While the Committee report accompanying H.R. 2941 urges HUD to continue to defer to federally directed and funded remedial cleanup activities of the Environmental Protection Agency, and other applicable Federal Agencies, I believe that a statutory definition of the term "brownfields" is necessary to avoid conflict between competing federal agency programs and potential misuse of taxpayer funds.

Today I will support this legislation with the expectation that any bill emerging from a conference between the House and Senate will contain a definition of the term "brownfields" consistent with Public Law 107-118.

AMERICAN PUBLIC HEALTH ASSOCIATION; FRIENDS OF THE EARTH; NATURAL RESOURCES DEFENSE COUNCIL; PHYSICIANS FOR SOCIAL RESPONSIBILITY SIERRA CLUB; US PIRG,

April 26, 2002.

Re H.R. 2491, Brownfields Redevelopment Enhancement Act.

Hon. MICHAEL OXLEY,
U.S. House of Representatives,
Hon. JOHN LaFALCE,
U.S. House of Representatives.

DEAR REPRESENTATIVES: We are writing on behalf of our more than one million members to urge the House of Representatives to ensure that H.R. 2941 contains a definition of the term "brownfields" that is consistent with existing law. H.R. 2941 could threaten public health and weaken the polluter-pays principle at heavily contaminated toxic waste sites if its definition of "brownfields" does not track the definition contained in Public Law 107-118, the Small Business Liability Relief and Brownfields Revitalization Act of 2001 ("Brownfields Act"). Therefore, we urge the House of Representatives to ensure that H.R. 2941 incorporates by reference

the definition of brownfields contained in section (39) of the Brownfields Act. Codifying this definition would prevent current or future administrations from arbitrarily weakening existing protections.

Members of the Senate and House negotiated for years over an appropriate definition of the term "brownfields." This issue was vital for two reasons. First, an overly broad definition could allow federal agencies to use taxpayer funds to pay for cleanups even when there was a viable polluter associated with a site. This would weaken the polluter-pays principle, which is the foundation of federal cleanup programs. This principle ensures that polluters, rather than taxpayers, pay to clean up their contamination. It provides an incentive to reduce the use of and responsibly manage toxic chemicals, thereby decreasing the chance of creating future toxic waste sites.

Second, a broad definition could allow federal agencies to use taxpayer funds at heavily contaminates sites to pay for remediation under state voluntary cleanup programs. Data on state voluntary cleanup programs demonstrate that such programs have inconsistent cleanup standards, public participation requirements, technical expertise and oversight authorities. These failings can threaten public health, particularly at sites containing high levels of contamination.

Congress agreed on a definition of the term "brownfields" in the Brownfields Act, which President Bush signed into law on January 11, 2002. The Brownfields Act initially broadly defines the term, but then excludes many heavily contaminated toxic waste sites from the definition. This ensures that cleanup officials can continue to use the polluter-pays principle to enforce federal laws that incorporate tough cleanup standards. The law permits an expansion of this definition—on a site-by-site basis—where doing so would not endanger public health.

H.R. 2941's definition of "brownfields" contains none of these protections. Instead, it contains a very broad definition of the term "brownfields" that would allow federal agencies to use taxpayer funds to pay for remediation under state voluntary cleanup programs at heavily contaminated sites. H.R. 2941 could also allow federal agencies to use taxpayer funds to cleanup sites that have viable businesses that caused the contamination.

The Department of Housing and Urban Development's Brownfields Economic Development Initiative ("BEDI") could provide significant taxpayer funding for activities that could threaten public health and weaken application of the polluter-pays principle. While BEDI contains only about \$25 million, state and local government use BEDI funds to access hundreds of million of dollars in low-interest loans under the federal Community Development Block Grant Program ("CDBG"). The CDBG and BEDI programs allow funded entities to use the federal taxpayer funds on remedial activities. (See www.hud.gov/bedifact.cfm.) In fact, HUD's webpage states "[t]he most common use of CDBG funds for brownfields has been for remediation, followed by site assessment and redevelopment." This means taxpayers could pay for cleanups, rather the parties responsible for the contamination.

Incorporating the definition from the Brownfield Act into H.R. 2941 should be noncontroversial. The House, Senate, and administration all agreed on a definition of the term "brownfields" in 2002. Representatives of HUD have stated that the agency does not fund cleanups at heavily contaminated sites and that HUD supports the polluter-pays principle. Staff for members on the House Financial Services Committee concurred with the HUD representatives. Members of

the environmental community urged the staff to modify the definition of brownfields consistent with this shared understanding. Unfortunately, some staff opposed codifying this understanding because they claimed that it would increase red tape. However, codifying agency practice should not increase regulatory burden.

Expediting the cleanup of brownfields is a priority for our groups and should be a priority for federal and state governments. However, government should not create avenues for development that could endanger public health or reduce incentives for polluters to manage their toxic wastes responsibly. We urge the House of Representatives to help ensure that people can safely use new residential, commercial and other developments, and that polluting industries do not create new toxic waste sites.

Sincerely,

DON HOPPERT,
Director of Federal Affairs, American Public Health Association.

SARA ZDEB,
Legislative Representative, Friends of the Earth.

ALYS CAMPAIGNE,
Legislative Director, Natural Resources Defense Council.

DEBBIE SEASE,
Legislative Director, Sierra Club.

SUSAN WEST MARMAGAS, MPH,
Director, Environment and Health Program, Physicians for Social Responsibility.

GRANT COPE,
Staff Attorney, US PIRG.

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of H.R. 2941, the Brownfields Redevelopment Enhancement Act. The primary purpose of this legislation is to increase the flexibility of the HUD Brownfields Economic Development Initiative (BEDI) and make the program available to more local governments.

Since its inception the larger brownfields program has proven an effective government response to a serious environmental problem. Brownfields spot our country from coast to coast, especially in areas with high or formerly high levels of industrial activity. Brownfields are abandoned, or under-used industrial and commercial facilities where further redevelopment is impeded by environmental contamination.

The locations have potential for economic development but are held back by the environmental problems created by former or current users. The EPA program has successfully used a variety of financial and technical assistance to restore these sites which would otherwise be doomed to further decay.

The Brownfields program was established by the EPA by regulation. Earlier this year Congress expressed its strong bipartisan support for brownfields cleanup by passing the Small Business Liability Relief and Brownfields Revitalization Act. Today's legislation builds on this effort by increasing the access to brownfields dollars.

The Brownfields Redevelopment Enhancement Act, of which I am the lead Democratic sponsor, de-links Brownfields Economic Development Fund grants from the HUD Section

108 loan program. In its current construction, this linking requires that communities set aside Community Development Block Grant (CDBG) funds as collateral for these loans. The delinking accomplished by our legislation will greatly increase the availability of brownfields cleanup funds for localities across the country.

One of the reasons that the brownfields programs has been so successful is that it combines support from the environmental community with that from a strong coalition of local governments and developers. Some environmental groups have expressed concern that the definition of "brownfields" in H.R. 2941 does not sufficiently track the definition in the Small Business Liability Relief and Brownfields Revitalization Act and could threaten the principle that polluters pay for their damage. While I support this legislation today, it is my intention to work with these groups to satisfy these concerns as this legislation moves forward.

It has been my pleasure to work with my colleagues on the Financial Services Committee on this legislation which was introduced by Representative GARY MILLER. I also want to thank Housing Subcommittee Ranking Member BARNEY FRANK and his staff for their work on this bill.

Mr. FRANK. Mr. Speaker, I yield back the balance of my time.

Mr. GARY G. MILLER of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. KELLY) that the House suspend the rules and pass the bill, H.R. 2941, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m. today.

Accordingly (at 4 o'clock and 5 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 6 p.m.

COMMUNICATION FROM THE HONORABLE KEN CALVERT, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable KEN CALVERT, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 30, 2002.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules

of the House, that I have been served with civil subpoena for documents issued by the San Bernardino County, California Superior Court.

After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to comply with the subpoena.

Sincerely,

KEN CALVERT,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 4823, by the yeas and nays;

H.R. 4800, by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second vote in this series.

HOLOCAUST RESTITUTION TAX FAIRNESS ACT OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4823.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. SHAW) that the House suspend the rules and pass the bill, H.R. 4823, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 392, nays 1, not voting 41, as follows:

[Roll No. 207]

YEAS—392

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd

Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin

Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Flake

Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)

Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascarell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez

Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schaffer
Schakowsky
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spratt
Stark
Stearns
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Stenholm

NOT VOTING—41

Abercrombie Hansen
 Bachus Hilliard
 Blagojevich Kilpatrick
 Bonior Lewis (CA)
 Callahan Lipinski
 Calvert McDermott
 Coyne McKinney
 Deal Menendez
 Doolittle Millender-
 Evans McDonald
 Ganske Mollohan
 Gilchrist Murtha
 Goode Payne
 Graves Peterson (PA)

Riley
 Rothman
 Roukema
 Rush
 Saxton
 Schiff
 Slaughter
 Solis
 Souder
 Terry
 Thompson (MS)
 Traficant
 Velazquez
 Watson (CA)

Ackerman
 Aderholt
 Akin
 Allen
 Andrews
 Arney
 Baca
 Baird
 Baker
 Baldacci
 Baldwin
 Ballenger
 Barcia
 Barr
 Barrett
 Bartlett
 Barton
 Bass
 Becerra
 Bentsen
 Bereuter
 Berkley
 Berman
 Berry
 Biggert
 Bilirakis
 Bishop
 Blumenauer
 Blunt
 Boehlert
 Boehner
 Bonilla
 Bono
 Boozman
 Borski
 Boswell
 Boucher
 Boyd

[Roll No. 208]

YEAS—391

Doyle
 Dreier
 Duncan
 Dunn
 Ehlers
 Ehrlich
 Emerson
 Engel
 English
 Eshoo
 Etheridge
 Everett
 Farr
 Fattah
 Ferguson
 Filner
 Flake
 Fletcher
 Foley
 Forbes
 Ford
 Fossella
 Frank
 Frelinghuysen
 Frost
 Gallegly
 Gekas
 Gephardt
 Gibbons
 Gillmor
 Gilman
 Gonzalez
 Goode
 Goodlatte
 Gordon
 Goss
 Graham
 Granger
 Green (WI)
 Greenwood
 Grucci
 Gutierrez
 Gutknecht
 Hall (OH)
 Hall (TX)
 Harman
 Hart
 Hastings (FL)
 Hastings (WA)
 Hayes
 Hayworth
 Hefley
 Herger
 Hill
 Hilleary
 Hinchey
 Hinojosa
 Hobson
 Hoeffel
 Hoekstra
 Holden
 Holt
 Honda
 Hooley
 Horn
 Hostettler
 Houghton
 Hoyer
 Hulshof
 Hunter
 Hyde
 Inslee
 Isakson
 Israel
 Issa
 Istook
 Jackson (IL)
 Jackson-Lee
 (TX)
 Jefferson
 Jenkins
 John
 Johnson (CT)
 Johnson (IL)
 Johnson, E. B.
 Johnson, Sam
 Jones (NC)
 Jones (OH)
 Kanjorski
 Kaptur
 Keller
 Kelly
 Kennedy (MN)
 Kennedy (RI)
 Kerns
 Kildee

Kind (WI)
 King (NY)
 Kingston
 Kirk
 Kleczka
 Knollenberg
 Kolbe
 Kucinich
 LaFalce
 LaHood
 Lampson
 Langevin
 Lantos
 Larsen (WA)
 Larson (CT)
 Latham
 LaTourette
 Leach
 Lee
 Levin
 Lewis (GA)
 Lewis (KY)
 Linder
 LoBiondo
 Lofgren
 Lowey
 Lucas (KY)
 Lucas (OK)
 Luther
 Lynch
 Maloney (CT)
 Maloney (NY)
 Manzullo
 Markey
 Mascara
 Matheson
 Matsui
 McCarthy (MO)
 McCarthy (NY)
 McCollum
 McCrery
 McGovern
 McHugh
 McInnis
 McIntyre
 McKeon
 McNulty
 Meehan
 Meek (FL)
 Meeks (NY)
 Mica
 Miller, Dan
 Miller, Gary
 Miller, George
 Miller, Jeff
 Mink
 Moore
 Moran (KS)
 Moran (VA)
 Morella
 Myrick
 Nadler
 Napolitano
 Neal
 Nethercutt
 Ney
 Northup
 Norwood
 Nussle
 Oberstar
 Obey
 Olver
 Ortiz
 Osborne
 Ose
 Otter
 Owens
 Oxley
 Pallone
 Pascarell
 Pastor
 Paul
 Pelosi
 Pence
 Peterson (MN)
 Petri
 Phelps
 Pickering
 Pitts
 Platts
 Pombo
 Pomeroy
 Portman
 Price (NC)
 Pryce (OH)
 Putnam

Quinn
 Radanovich
 Rahall
 Ramstad
 Rangel
 Regula
 Rehberg
 Reyes
 Reynolds
 Rivers
 Rodriguez
 Roemer
 Rogers (MI)
 Rohrabacher
 Ros-Lehtinen
 Ross
 Roybal-Allard
 Royce
 Ryan (WI)
 Ryun (KS)
 Sabo
 Sanchez
 Sanders
 Sandlin
 Sawyer
 Schaffer
 Schakowsky
 Schrock
 Scott
 Sensenbrenner
 Serrano
 Sessions
 Shadegg
 Shaw
 Shays

Sherman
 Sherwood
 Shimkus
 Shows
 Shuster
 Simmons
 Simpson
 Skeen
 Skelton
 Smith (MI)
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Snyder
 Spratt
 Stark
 Stearns
 Strickland
 Stump
 Stupak
 Sullivan
 Sununu
 Sweeney
 Tancredo
 Tanner
 Tauscher
 Tauzin
 Taylor (MS)
 Taylor (NC)
 Thomas
 Thompson (CA)
 Thornberry
 Thune
 Thurman
 Tiahrt

Tiberi
 Tierney
 Toomey
 Towns
 Turner
 Udall (CO)
 Udall (NM)
 Upton
 Velazquez
 Visclosky
 Vitter
 Walden
 Walsh
 Wamp
 Waters
 Watkins (OK)
 Watt (NC)
 Watts (OK)
 Waxman
 Weiner
 Weldon (FL)
 Weldon (PA)
 Weller
 Wexler
 Whitfield
 Wicker
 Wilson (NM)
 Wilson (SC)
 Wolf
 Woolsey
 Wu
 Wynn
 Young (AK)
 Young (FL)

□ 1827

Mr. CROWLEY and Mr. COBLE changed their vote from “nay” to “yea.”

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 207 on H.R. 483, Repealing the sunset of the exclusion from the federal income tax for restitution received by victims of the Nazi regime, I was unavoidably detained due to airplane delays. Had I been present, I would have voted “yea.”

□ 1830

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to House Resolution 378, the official picture of the House while in session will be taken immediately after the approval of the Journal when the House convenes tomorrow.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

REPEALING SUNSET OF ECONOMIC
GROWTH AND TAX RELIEF REC-
ONCILIATION ACT OF 2001 WITH
RESPECT TO EXPANSION OF
CERTAIN ADOPTION PROGRAMS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4800.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CAMP) that the House suspend the rules and pass the bill, H.R. 4800, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 391, nays 1, not voting 42, as follows:

NAYS—1

Stenholm

NOT VOTING—42

Abercrombie
 Bachus
 Blagojevich
 Bonior
 Callahan
 Calvert
 Coyne
 Deal
 Doolittle
 Edwards
 Evans
 Ganske
 Gilchrist
 Graves
 Green (TX)

Hansen
 Hilliard
 Kilpatrick
 Lewis (CA)
 Lipinski
 McDermott
 McKinney
 Menendez
 Millender-
 McDonald
 Mollohan
 Murtha
 Payne
 Peterson (PA)
 Riley

Rogers (KY)
 Rothman
 Roukema
 Rush
 Saxton
 Schiff
 Slaughter
 Solis
 Souder
 Terry
 Thompson (MS)
 Traficant
 Watson (CA)

□ 1838

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 208 on H.R. 4800, Repealing the sunset of expansion of the adoption credit and adoption assistance programs, I was unavoidably detained due to airplane delays.

Had I been present, I would have voted “yea.”

PERSONAL EXPLANATION

Mr. DEAL of Georgia. Mr. Speaker, on June 4, 2002, I was unable to record my vote for both H.R. 4823 and H.R. 4800. Had I been here to record my vote, I would have voted in the affirmative for both bills by voting “yea.”

PERSONAL EXPLANATION

Mr. GRAVES. Mr. Speaker, I was unavoidably detained.

Had I been present I would have voted in the affirmative for H.R. 4823, Holocaust Restitution Tax Fairness Act of 2002. A "yea" vote would have also been cast for H.R. 4800, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 207 and 208. Had I been present, I would have voted "yea" on both.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3479

Mr. SMITH of Washington. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3479.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4664, INVESTING IN AMERICA'S FUTURE ACT

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107-489) on the resolution (H. Res. 432) providing for consideration of the bill (H.R. 4664) to authorize appropriations for fiscal years 2003, 2004, and 2005 for the National Science Foundation, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 1372, EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 2002

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107-490) on the resolution (H. Res. 433) waiving points of order against the conference report to accompany the Senate bill (S. 1372) to reauthorize the Export-Import Bank of the United States, which was referred to the House Calendar and ordered to be printed.

CORRECTING TECHNICAL ERRORS IN ENROLLMENT OF H.R. 3448, PUBLIC HEALTH SECURITY AND BIOTERRORISM RESPONSE ACT OF 2001

Mr. TAUZIN. Madam Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 117) to correct technical errors in the enrollment of the bill H.R. 3448, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 117

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 3448) to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies, the Clerk of the House shall make the following corrections, stated in terms of the page and line numbers of the official copy of the conference report for such bill that was filed with the House:

(1) On page 1, after line 6, insert before the item relating to title I, the following:

Sec. 1. Short title; table of contents.

(2) On page 40, line 3, insert before the semicolon the following: "(including private response contractors)".

(3) On page 75, line 18, strike "subsection (c)(1)" and insert "subsection (c)".

(4) On page 75, line 25, strike "paragraph (3)(B)" and insert "paragraph (3)(C)".

(5) On page 87, strike lines 11 and 12 (relating to a redundant section designation and section heading for section 143).

(6) On page 264, line 11, insert before the period the following: "and with respect to assessing and collecting any fee required by such Act for a fiscal year prior to fiscal year 2003".

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TAUZIN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate concurrent resolution just concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

URGING INCREASED FEDERAL FUNDING FOR JUVENILE TYPE 1 DIABETES RESEARCH

Mr. TAUZIN. Madam Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 36) urging increased Federal funding for juvenile (type 1) diabetes research.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

Mr. GREEN of Texas. Madam Speaker, reserving the right to object, I will not object; but I would ask the gentleman from Louisiana (Mr. TAUZIN), the chairman of our full committee, to give an explanation of the bill.

Mr. TAUZIN. Madam Speaker, will the gentleman yield?

Mr. GREEN of Texas. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Madam Speaker, I thank the gentleman for yielding to me.

As the gentleman knows, at this time, more than 1 million Americans have type 1 diabetes. Type 1 diabetes is a disease which strikes children suddenly. It makes them insulin-dependent for life, and it carries a constant threat of life-threatening complications. Someone is diagnosed with type 1 diabetes every hour. This devastating disease also afflicts adult populations.

Madam Speaker, I want to applaud the efforts of the gentleman from Texas (Mr. GREEN) to raise awareness about juvenile (type 1) diabetes and the need to find a cure for this disease.

I ask my colleagues to support this very worthwhile resolution.

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Continuing my reservation of objection, Madam Speaker, I know the gentleman has been a long-time advocate for increasing funding for juvenile diabetes, and he has been recognized many times by the health care industry.

I think all of us have been touched by someone with diabetes. Throughout my life, I have met many courageous people who have struggled with this disease every day.

I want to especially mention the Balthazars. They are not only constituents, but live in my hometown of Houston. They had come to a town hall meeting a couple of years ago to tell me about the struggle their family faces with their son, Larry, who has juvenile diabetes.

Larry Balthazar was diagnosed with this horrible disease when he was 2 years old. He has no memory of life without insulin shots, blood glucose tests, hypoglycemia, or the fear of dreaded complications. He has never had the chance to live a carefree life that every child deserves. Instead, he is tied to a regimen of painful shots, finger pricks, and a strictly controlled diet, which is not a way to spend a childhood.

Unfortunately, Larry's childhood is no different than that of 1 million other Americans with juvenile diabetes. This serious disease restricts the ability of these people and their families to live normal lives. Instead, they are forced to give themselves multiple insulin injections each day, test their blood sugar frequently, and be prepared for the high and low blood sugars that ravage their bodies.

If their blood sugar is too high, they face the possibility of blindness, heart disease, stroke, nerve damage, kidney failure, and lower-limb amputation.

□ 1845

With low blood sugar, people with diabetes suffer disease, dizziness, hunger, seizure, coma and even death. This disease forces its victims into a careful balancing act that is almost impossible to achieve. While this is all very sobering, we have never been closer to finding a cure for this horrible disease. Research in islet cell transplantation has

shown great potential for individuals with diabetes and has already freed many people with diabetes from their syringes and their glucose meters. Stem cell research also holds incredible promise for recreating these cells that are destroyed by diabetes. Further advancement in this field almost certainly could cure juvenile diabetes forever. But like any other disease, these advancements will never be realized unless we invest the resources necessary to find a cure.

That is why myself and 127 other Members of the House have cosponsored and introduced H. Con. Res. 36, the important resolution to fully fund diabetes research, and urge this Congress to invest the amount recommended by the Diabetes Research Working Group.

The DRWG was appointed by the Congress in 1998 to develop a comprehensive plan for diabetes research.

The findings of this group were very compelling. They recommended several different approaches to finding a cure and improving treatments for diabetes.

But these recommendations are meaningless if they are not backed up by an increase in funding.

While there has been some increases in diabetes funding at the NIH, much more needs to be done. This year, diabetes will receive \$769 million in funding at the NIH—only slightly more than half the amount recommended by the DRWG.

If we are serious about finding a cure for this serious disease, then we must make the necessary investment to find a cure.

H. Con. Res. 36 with 127 co-sponsors expresses the sense of Congress that federal funding for diabetes research should be increased in accordance with the recommendations of the Diabetes Research Working Group.

By passing this resolution on the floor today, we are reaffirming our commitment to win the battle against juvenile diabetes.

Madam Speaker, I yield to the gentlewoman from Colorado (Ms. DEGETTE), the cochair of the Diabetes Caucus.

(Ms. DEGETTE asked and was given permission to revise and extend her remarks.)

Ms. DEGETTE. Madam Speaker, I thank the gentleman from Texas (Mr. GREEN) for this wonderful concurrent resolution. As cochair of the Diabetes Caucus and the mother of an eight-year-old child with Type I diabetes, I rise in support of this legislation.

Madam Speaker, thank you for allowing me to speak today about diabetes and the need to continue to fund research at a high level as this topic holds a great personal value to me.

Over one million people are juvenile diabetics. That number is increasing every day as 13,000 children a year—35 each day—are diagnosed with juvenile diabetes and 17,000 adults a year—46 each day—are diagnosed with juvenile diabetics.

Last June I was pleased to serve as Honorary Co-Chair of the 2001 Juvenile Diabetes Research Foundation's Children's Congress, during which 200 children with juvenile diabetes came to Washington to advocate for juvenile

diabetes research. While in Washington these children asked for our help to ensure that they will soon be free from the burden of finger pricks, insulin injections, hypoglycemia and the fear of complications such as nerve damage, heart attack, blindness and amputation. There is great reason to believe that this hope will be realized.

Researchers are closing in on a cure for this disease. As many of you are aware, clinical trials are underway involving the transplantation of insulin producing cells into individuals with juvenile diabetes. 80% of the patients who have received these transplants have been cured of juvenile diabetes and no longer need insulin injections. However, there are two obstacles to this research.

The first is that the recipients of the transplanted insulin-producing cells must undergo immunosuppressive therapy to prevent rejection of the cells. This problem is being addressed by the research of the NIH-funded Immune Tolerance Network, the goal of which is to develop a way to transplant organs and tissue, including islet cells, without subjecting the recipients to a lifetime of immunosuppressive therapy. The progress of this research would not only help children with juvenile diabetes, but also patients with a wide variety of autoimmune diseases and disorders, such as Lupus, Rheumatoid Arthritis, and Multiple Sclerosis.

The second obstacle is of greater concern to researchers. There is a serious shortage of cadaver pancreases from which the insulin producing cells must be derived for transplant. Less than 2000 pancreases are available each year for both whole organ transplants and the derivation of insulin producing cells for the experimental trails. Therefore, if and when these transplants are ready to be applied to everyone who suffers from juvenile diabetes, only a very small fraction will benefit.

Researchers are currently looking for alternate supplies of insulin producing cells. One of the most promising potential sources is embryonic stem cells. Researchers are demonstrating that embryonic stem cells can be turned into insulin producing cells, which could lead to a virtually unlimited supply for transplant into all patients with juvenile diabetes.

All Americans suffering from diabetes are in a race against time. Their future could hold deadly complications such as kidney failure, blindness, nerve, amputation and stroke. We owe it to those 17 million Americans—1 million, which are juvenile diabetics—to ensure that all promising avenues of diabetes research, are pursued with adequate resources.

Mr. GREEN of Texas. Madam Speaker, I yield to the gentleman from Minnesota (Mr. OBERSTAR).

(Mr. OBERSTAR asked and was given permission to revise and extend his remarks.)

Mr. OBERSTAR. Madam Speaker, I rise in support of the resolution.

Mr. GREEN of Texas. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 36

Whereas over one million Americans suffer from juvenile (type 1) diabetes, a chronic, ge-

netically determined, debilitating disease affecting every organ system;

Whereas 13,000 children a year—35 each day—are diagnosed with juvenile diabetes;

Whereas 17,000 adults a year—46 each day—are diagnosed with juvenile diabetes;

Whereas juvenile diabetes is one of the most costly chronic diseases of childhood;

Whereas insulin treats but does not cure this potentially deadly disease and does not prevent the complications of diabetes, which include blindness, heart attack, kidney failure, stroke, nerve damage, and amputations; and

Whereas the Diabetes Research Working Group, a nonpartisan advisory board established to advise Congress, has called for an accelerated and expanded diabetes research program at the National Institutes of Health and has recommended an increase in Federal funding for diabetes research at the National Institutes of Health over each of the next five years: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Federal funding for diabetes research should be increased annually as recommended by the Diabetes Research Working Group so that a cure for juvenile diabetes can be found.

AMENDMENT IN THE NATURE OF A SUBSTITUTE
OFFERED BY MR. TAUZIN

Mr. TAUZIN. Madam Speaker, I offer an amendment to the text.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. TAUZIN: strike out all after the resolving clause and insert:

Resolved by the House of Representatives (the Senate concurring), That Federal funding for diabetes research should be increased annually as recommended by the Diabetes Research Working Group so that a cure for juvenile diabetes can be found.

Mr. TAUZIN (during the reading). Madam Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Louisiana (Mr. TAUZIN).

The amendment in the nature of a substitute was agreed to.

The concurrent resolution was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY
MR. TAUZIN

Mr. TAUZIN. Madam Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. TAUZIN: strike out the preamble and insert:

Whereas over one million Americans suffer from juvenile (type 1) diabetes, a chronic, genetically determined, debilitating disease affecting every organ system;

Whereas 13,000 children a year—35 each day—are diagnosed with juvenile diabetes;

Whereas 17,000 adults a year—46 each day—are diagnosed with juvenile diabetes;

Whereas juvenile diabetes is one of the most costly chronic diseases of childhood;

Whereas insulin treats but does not cure this potentially deadly disease and does not prevent the complications of diabetes, which include blindness, heart attack, kidney failure, stroke, nerve damage, and amputations; and

Whereas the Diabetes Research Working Group, a nonpartisan advisory board established to advise Congress, has called for an accelerated and expanded diabetes research program at the National Institutes of Health and

has recommended an increase in Federal funding for diabetes research at the National Institutes of Health over each of the next five years: Now, therefore, be it

Mr. TAUZIN (during the reading). Madam Speaker, I ask unanimous consent that the amendment to the preamble be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from Louisiana (Mr. TAUZIN).

The amendment to the preamble was agreed to.

The title of the concurrent resolution was amended so as to read: "A concurrent resolution urging increased Federal funding for juvenile (type 1) diabetes research."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TAUZIN. Madam Speaker, I ask unanimous consent that all Members may have five legislative days within which to revise and extend their remarks on H. Con. Res. 36.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the remaining motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

MARITIME TRANSPORTATION ANTITERRORISM ACT OF 2002

Mr. LOBIONDO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3983) to ensure the security of maritime transportation in the United States against acts of terrorism, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3983

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Maritime Transportation Antiterrorism Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MARITIME TRANSPORTATION SECURITY

Sec. 101. Port security.

Sec. 102. Clarification of Coast Guard authority to control vessels in territorial waters of the United States.

Sec. 103. Extension of seaward jurisdiction.

Sec. 104. Suspension of limitation on strength of Coast Guard.

Sec. 105. Extension of Deepwater Port Act to natural gas.

Sec. 106. Assignment of Coast Guard personnel as sea marshals and enhanced use of other security personnel.

Sec. 107. Automatic identification system.

Sec. 108. Mandatory advanced electronic information for cargo.

TITLE II—MARITIME POLICY IMPROVEMENT

Sec. 201. Short title.

Sec. 202. Vessel COASTAL VENTURE.

Sec. 203. Expansion of American Merchant Marine Memorial Wall of Honor.

Sec. 204. Discharge of agricultural cargo residue.

Sec. 205. Recording and discharging notices of claim of maritime lien.

Sec. 206. Tonnage of R/V DAVIDSON.

Sec. 207. Miscellaneous certificates of documentation.

Sec. 208. Exemption for Victory Ships.

Sec. 209. Certificate of documentation for 3 barges.

Sec. 210. Certificate of documentation for the EAGLE.

Sec. 211. Waiver for vessels in New World Challenge Race.

Sec. 212. Vessel ASPHALT COMMANDER.

TITLE III—COAST GUARD PERSONNEL AND MARINE SAFETY

Sec. 301. Short title.

SUBTITLE A—PERSONNEL MANAGEMENT

Sec. 311. Coast Guard band director rank.

Sec. 312. Compensatory absence for isolated duty.

Sec. 313. Accelerated promotion of certain Coast Guard officers.

SUBTITLE B—MARINE SAFETY

Sec. 321. Extension of Territorial Sea for Vessel Bridge-to-Bridge Radiotelephone Act.

Sec. 322. Preservation of certain reporting requirements.

Sec. 323. Oil Spill Liability Trust Fund; emergency fund advancement authority.

Sec. 324. Merchant mariner documentation requirements.

Sec. 325. Penalties for negligent operations and interfering with safe operation.

SUBTITLE C—RENEWAL OF ADVISORY GROUPS

Sec. 331. Commercial Fishing Industry Vessel Advisory Committee.

Sec. 332. Houston-Galveston Navigation Safety Advisory Committee.

Sec. 333. Lower Mississippi River Waterway Advisory Committee.

Sec. 334. Navigation Safety Advisory Council.

Sec. 335. National Boating Safety Advisory Council.

Sec. 336. Towing Safety Advisory Committee.

SUBTITLE D—MISCELLANEOUS

Sec. 341. Patrol craft.

Sec. 342. Boating safety.

Sec. 343. Caribbean support tender.

Sec. 344. Prohibition of new maritime user fees.

Sec. 345. Great Lakes lighthouses.

Sec. 346. Modernization of National Distress and Response System.

Sec. 347. Conveyance of Coast Guard property in Portland, Maine.

Sec. 348. Harbor safety committees.

Sec. 349. Miscellaneous conveyances.

TITLE IV—OMNIBUS MARITIME IMPROVEMENTS

Sec. 401. Short title.

Sec. 402. Extension of Coast Guard housing authorities.

Sec. 403. Inventory of vessels for cable laying, maintenance, and repair.

Sec. 404. Vessel escort operations and towing assistance.

Sec. 405. Search and rescue center standards.

Sec. 406. VHF communications services.

Sec. 407. Lower Columbia River maritime fire and safety activities.

Sec. 408. Conforming references to the former Merchant Marine and Fisheries Committee.

Sec. 409. Restriction on vessel documentation.

Sec. 410. Hypothermia protective clothing requirement.

Sec. 411. Reserve officer promotions.

Sec. 412. Regular lieutenant commanders and commanders; continuation upon failure of selection for promotion.

Sec. 413. Reserve student pre-commissioning assistance program.

Sec. 414. Continuation on active duty beyond thirty years.

Sec. 415. Payment of death gratuities on behalf of Coast Guard auxiliaries.

Sec. 416. Align Coast Guard severance pay and revocation of commission authority with Department of Defense authority.

Sec. 417. Long-term lease authority for lighthouse property.

Sec. 418. Maritime Drug Law Enforcement Act amendments.

Sec. 419. Wing-in-ground craft.

Sec. 420. Electronic filing of commercial instruments for vessels.

Sec. 421. Deletion of thumbprint requirement for merchant mariners' documents.

Sec. 422. Temporary certificates of documentation for recreational vessels.

Sec. 423. Marine casualty investigations involving foreign vessels.

Sec. 424. Conveyance of Coast Guard property in Hampton Township, Michigan.

Sec. 425. Conveyance of property in Traverse City, Michigan.

Sec. 426. Annual report on Coast Guard capabilities and readiness to fulfill national defense responsibilities.

Sec. 427. Extension of authorization for oil spill recovery institute.

Sec. 428. Miscellaneous certificates of documentation.

Sec. 429. Icebreaking services.

Sec. 430. Fishing vessel safety training.

Sec. 431. Limitation on liability of pilots at Coast Guard Vessel Traffic Services.

Sec. 432. Assistance for marine safety station on Chicago lakefront.

Sec. 433. Tonnage measurement for purposes of eligibility of certain vessels for fishery endorsement.

Sec. 434. Extension of time for recreational vessel and associated equipment recalls.

TITLE V—AUTHORIZATION OF APPROPRIATIONS FOR THE COAST GUARD

Sec. 501. Short title.

Sec. 502. Authorization of appropriations.

Sec. 503. Authorized levels of military strength and training.

TITLE I—MARITIME TRANSPORTATION SECURITY

SEC. 101. PORT SECURITY.

(a) IN GENERAL.—Title 46, United States Code, is amended by adding at the end the following new subtitle:

"Subtitle VI—Miscellaneous

"Chap.
"701. Port Security Sec.
 70101

"CHAPTER 701—PORT SECURITY

"Sec.
 "70101. Definitions.
 "70102. United States facility vulnerability assessments.
 "70103. Catastrophic emergency planning.
 "70104. Antiterrorism response.
 "70105. Transportation security cards.
 "70106. Maritime antiterrorism teams.
 "70107. Grants.
 "70108. Foreign port assessment.
 "70109. Notifying foreign authorities.
 "70110. Actions when foreign ports not maintaining effective antiterrorism measures.
 "70111. Crew and passenger manifests.
 "70112. Civil penalty.

"§ 70101. Definitions

"For the purpose of this chapter:

"(1) The term 'Area Maritime Transportation Antiterrorism Plan' means an Area Maritime Transportation Antiterrorism Plan prepared under section 70103(b).

"(2) The term 'catastrophic emergency' means any event caused by a terrorist act in the United States or on a vessel on a voyage to or from the United States that causes, or may cause, substantial loss of human life or major economic disruption in any particular area.

"(3) The term 'facility' means any structure or facility of any kind located in, on, under, or adjacent to any waters subject to the jurisdiction of the United States.

"(4) The term 'National Maritime Transportation Antiterrorism Plan' means the National Maritime Transportation Antiterrorism Plan prepared and published under section 70103(a).

"(5) The term 'owner or operator' means—

"(A) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel, and

"(B) in the case of a facility, any person owning or operating such facility.

"(6) The term 'Secretary' means the Secretary of Transportation.

"(7) The term 'Under Secretary' means the Under Secretary of Transportation for Security.

"§ 70102. United States facility vulnerability assessments

"(a) IN GENERAL.—The Secretary shall conduct a port vulnerability assessment, including an assessment of the vulnerability of each facility in a port, for each port in the United States for which the Secretary believes there is a high risk of catastrophic emergency.

"(b) FACILITY ASSESSMENTS.—(1) An assessment under this section for a port shall include an assessment of each facility in the port.

"(2) Upon completion of an assessment under this section for a port, the Secretary shall provide to the owner or operator of each facility in the port a copy of the assessment of the facility under this subsection.

"(c) ACCEPTANCE OF EXISTING ASSESSMENT.—In lieu of conducting such a port vulnerability assessment under this section, the Secretary may accept an assessment conducted by or on behalf of a port authority or marine terminal operator.

"§ 70103. Catastrophic emergency planning

"(a) NATIONAL MARITIME TRANSPORTATION ANTITERRORISM PLAN.—(1) The Secretary shall prepare a National Maritime Transportation Antiterrorism Plan for deterring a catastrophic emergency.

"(2) The National Maritime Transportation Antiterrorism Plan shall provide for effi-

cient, coordinated, and effective action to deter and minimize damage from catastrophic emergencies, and shall include the following:

"(A) Assignment of duties and responsibilities among Federal departments and agencies in coordination with State and local governmental agencies.

"(B) Identification of security resources.

"(C) Establishment of procedures for the coordination of activities of—

"(i) Coast Guard maritime antiterrorism teams established under this chapter; and

"(ii) Federal Maritime Antiterrorism Coordinators.

"(D) A system of surveillance and notice designed to safeguard against as well as ensure earliest possible notice of catastrophic emergencies and imminent threats of catastrophic emergencies to the appropriate State and Federal agencies.

"(E) Establishment of criteria and procedures to ensure immediate and effective Federal identification of a catastrophic emergency, or the substantial threat of a catastrophic emergency.

"(F) Designation of—

"(i) areas for which Area Maritime Transportation Antiterrorism Plans are required to be prepared under subsection (b); and

"(ii) a Coast Guard official who shall be the Federal Maritime Antiterrorism Coordinator for each such area.

"(3) The Secretary may, from time to time, as the Secretary considers advisable, revise or otherwise amend the National Maritime Transportation Antiterrorism Plan.

"(4) Actions to deter and minimize damage from catastrophic emergencies shall, to the greatest extent possible, be in accordance with the National Maritime Transportation Antiterrorism Plan.

"(b) AREA MARITIME TRANSPORTATION ANTITERRORISM PLANS.—(1) The Federal Maritime Antiterrorism Coordinator designated under subsection (a)(2)(F) for an area shall—

"(A) submit to the Secretary an Area Maritime Transportation Antiterrorism Plan for the area; and

"(B) solicit advice from local harbor safety advisory committees to assure preplanning of joint terrorism deterrence efforts, including appropriate procedures for deterrence of acts of terrorism.

"(2) The Area Maritime Transportation Antiterrorism Plan shall—

"(A) when implemented in conjunction with the National Maritime Transportation Antiterrorism Plan, be adequate to deter a terrorist act in or near the area to the maximum extent practicable;

"(B) describe the area covered by the plan, including the areas of population or special economic, environmental or national security importance that might be damaged by a terrorist act;

"(C) describe in detail how the plan is integrated with other Area Maritime Transportation Antiterrorism Plans, and with facility antiterrorism plans and vessel antiterrorism plans under this section;

"(D) include any other information the Secretary requires; and

"(E) be updated at least every five years by the Federal Maritime Antiterrorism Coordinator.

"(3) The Secretary shall—

"(A) review and approve Area Maritime Transportation Antiterrorism Plans under this subsection; and

"(B) periodically review previously approved Area Maritime Transportation Antiterrorism Plans.

"(c) VESSEL AND FACILITY ANTITERRORISM PLANS.—(1) Before January 1, 2003, an owner or operator of a vessel or facility described in paragraph (2) shall prepare and submit to the Secretary a antiterrorism plan for the

vessel or facility, for deterring a catastrophic emergency to the maximum extent practicable.

"(2) The vessels and facilities referred to in paragraph (1) are vessels and facilities that the Secretary believes may be involved in a catastrophic emergency.

"(3) A antiterrorism plan required under this subsection shall—

"(A) be consistent with the requirements of the National Maritime Transportation Antiterrorism Plan and Area Maritime Transportation Antiterrorism Plans;

"(B) identify the qualified individual having full authority to implement antiterrorism actions, and require immediate communications between that individual and the appropriate Federal official and the persons providing personnel and equipment pursuant to subparagraph (C);

"(C) identify, and ensure by contract or other means approved by the Secretary, the availability of antiterrorism measures necessary to deter a catastrophic emergency or a substantial threat of such a catastrophic emergency;

"(D) describe the training, periodic unannounced drills, and antiterrorism actions of persons on the vessel or at the facility, to be carried out under the plan to deter a catastrophic emergency, or a substantial threat of a catastrophic emergency;

"(E) be updated at least every five years; and

"(F) be resubmitted for approval of each significant change.

"(4) The Secretary shall—

"(A) promptly review each such plan;

"(B) require amendments to any plan that does not meet the requirements of this subsection;

"(C) approve any plan that meets the requirements of this subsection; and

"(D) review each plan periodically thereafter.

"(5) A vessel or facility for which a plan is required to be submitted under this subsection may not operate after January 1, 2003, unless—

"(A) the plan has been approved by the Secretary; and

"(B) the vessel or facility is operating in compliance with the plan.

"(6) Notwithstanding paragraph (5), the Secretary may authorize a vessel or facility to operate without a antiterrorism plan approved under this subsection, until not later than 1 year after the date of the submission to the Secretary of a plan for the vessel or facility, if the owner or operator certifies that the owner or operator has ensured by contract or other means approved by the Secretary to deter a catastrophic emergency or a substantial threat of a catastrophic emergency.

"(7) The Secretary shall require each operator of a vessel or facility located within or adjacent to waters subject to the jurisdiction of the United States to implement any necessary interim security measures until the antiterrorism plan for that vessel or facility operator is approved.

"(d) NONDISCLOSURE OF INFORMATION.—Notwithstanding any other provision of law, information developed under this chapter is not required to be disclosed to the public, including—

"(1) facility antiterrorism plans, vessel antiterrorism plans, and port vulnerability assessments; and

"(2) other information related to antiterrorism plans, procedures, or programs for vessels or terminals authorized under this chapter.

"(e) PERFORMANCE STANDARDS.—By not later than June 30, 2003, the Under Secretary, in consultation with the Transportation Security Oversight Board, shall—

“(1) develop and maintain an antiterrorism cargo identification, tracking, and screening system for containerized cargo shipped to and from the United States either directly or via a foreign port; and

“(2) develop performance standards to enhance the physical security of shipping containers, including standards for seals and locks.

“§ 70104. Antiterrorism response

“(a) COORDINATION.—The Secretary shall cooperate with the Director of the Federal Emergency Management Agency to ensure that Federal, State, and local terrorism response resources are coordinated as part of the Director's terrorism response plan for United States ports and waterways.

“(b) VESSEL RESPONSE PLAN SYSTEM.—Before January 1, 2003, the Secretary shall establish a system of antiterrorism response plans for vessels that may be involved in a catastrophic emergency.

“§ 70105. Transportation security cards

“(a) PROHIBITION.—(1) An individual shall not enter an area of a vessel or facility that is designated as a secure area in an antiterrorism plan for the vessel or facility that is approved by the Secretary under section 70103(c) unless the individual—

“(A) holds a transportation security card issued under this section and is authorized to be in the area in accordance with the plan; or

“(B) is accompanied by another individual who holds a transportation security card issued under this section and is authorized to be in the area in accordance with the plan.

“(2) A person shall not admit an individual into such a secure area unless the entry of the individual into the area is in compliance with paragraph (1).

“(b) ISSUANCE OF CARDS.—(1) The Secretary shall issue a transportation security card to an individual specified in paragraph (2), unless the Secretary decides that the individual poses a terrorism security risk warranting denial of the card.

“(2) This subsection applies to—

“(A) an individual allowed unescorted access to a secure area designated in a maritime transportation antiterrorism plan;

“(B) an individual issued a license, certificate of registry, or merchant mariners document under part E of subtitle II of this title;

“(C) a vessel pilot;

“(D) an individual engaged on a towing vessel that pushes, pulls, or hauls alongside a tank vessel; and

“(E) an individual engaged on a vessel that may be involved in a catastrophic emergency.

“(c) DETERMINATION OF TERRORISM SECURITY RISK.—(1) An individual may not be denied a transportation security card under subsection (a) unless the Secretary determines that individual—

“(A) has been convicted of a felony that the Secretary believes could be a terrorism security risk to the United States;

“(B) may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

“(C) otherwise poses a terrorism security risk to the United States.

“(2) In making a determination under paragraph (1), the Secretary shall give consideration to the circumstances of any disqualifying act or offense, restitution made by the individual, Federal and State mitigation remedies, and other factors from which it may be concluded that the individual does not pose a terrorism security risk warranting denial of the card.

“(3) The Secretary shall establish an appeals process under this section for individuals found to be ineligible for a transpor-

tation security card that includes notice and an opportunity for a hearing.

“(4) Upon application, the Secretary may issue a transportation security card to an individual if the Secretary has previously determined, under section 5103a of title 49, that the individual does not pose a security risk.

“(d) BACKGROUND RECORDS CHECK.—(1) On request of the Secretary, the Attorney General shall—

“(A) conduct a background records check regarding the individual; and

“(B) upon completing the background records check, notify the Secretary of the completion and results of the background records check.

“(2) A background records check regarding an individual under this subsection shall consist of the following:

“(A) A check of the relevant criminal history databases.

“(B) In the case of an alien, a check of the relevant databases to determine the status of the alien under the immigration laws of the United States.

“(C) As appropriate, a check of the relevant international databases or other appropriate means.

“(D) Review of any other national security-related information or database identified by the Attorney General for purposes of such a background records check.

“(e) RESTRICTIONS ON USE AND MAINTENANCE OF INFORMATION.—(1) Information obtained by the Attorney General or the Secretary of Transportation under this section may not be made available to the public under section 552 of title 5.

“(2) Any information constituting grounds for denial of a transportation security card under subsection (c)(1) shall be maintained confidentially by the Secretary and may be used only for making determinations under this section.

“(f) DEFINITION.—In this section, the term ‘alien’ has the meaning given the term in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).

“§ 70106. Maritime antiterrorism teams

“(a) IN GENERAL.—The Secretary shall establish maritime antiterrorism teams to safeguard the public and protect vessels, ports, facilities, and cargo on waters subject to the jurisdiction of the United States from terrorist activity.

“(b) MISSION.—Each maritime antiterrorism team shall be trained, equipped, and capable of being employed to deter, protect against, and rapidly respond to threats of terrorism.

“(c) COORDINATION WITH OTHER AGENCIES.—To the maximum extent feasible, each maritime antiterrorism team shall coordinate its activities with other Federal, State, and local law enforcement agencies.

“§ 70107. Grants

“(a) FINANCIAL ASSISTANCE.—The Under Secretary may provide financial assistance for enhanced facility security—

“(1) to implement a maritime antiterrorism plan approved by the Secretary; or

“(2) to implement an interim measure required by the Secretary under section 70103(c)(7).

“(b) MATCHING REQUIREMENTS.—(1) Except as provided in paragraph (2), Federal funds for any project under this section shall not exceed 75 percent of the total cost of such project.

“(2)(A) There are no matching requirements for grants under subsection (a) for projects costing not more than \$25,000.

“(B) If the Under Secretary determines that a proposed project merits support and cannot be undertaken without a higher rate of Federal support, then the Under Secretary

may approve grants under this section with a matching requirement other than that specified in paragraph (1).

“(c) PROJECT PROPOSALS.—Each proposal for a grant under this section shall include the following:

“(1) The name of the individual or entity responsible for conducting the project.

“(2) A comprehensive description of the need for the project, and a statement of the project's relationship to the Area Maritime Transportation Antiterrorism Plan that applies to the location where the project will be carried out.

“(3) A description of the qualifications of the individuals who will conduct the project.

“(4) An estimate of the funds and time required to complete the project.

“(5) Information regarding the source and amount of matching funding available to the applicant, as appropriate.

“(6) Any other information the Under Secretary considers to be necessary for evaluating the eligibility of the project for funding under this section.

“(d) AUTHORIZATION OF APPROPRIATIONS.—(1) To carry out this section there is authorized to be appropriated to the Secretary \$83,000,000 for each of fiscal years 2003, 2004, and 2005.

“(2) Of amounts available under this section, \$7,500,000 shall be used for proof-of-concept technology grants, including proposals from a national security laboratory referred to in section 3281(1)(C) of division C of Public Law 106-65 (50 U.S.C. 2471(1)(C)).

“(3) Of the amounts available under this section, \$7,500,000 shall be used to reimburse a port for enhanced facility security measures undertaken in the period beginning September 11, 2001, and ending September 30, 2003.

“(4) Amounts appropriated under this section may remain available until expended.

“(e) MARITIME SECURITY TRAINING GRANTS.—(1) The Under Secretary may make a grant of not more than \$500,000 for each of fiscal years 2003, 2004, and 2005, to each of the following educational institutions for development and implementation of a comprehensive port and maritime security education program:

“(A) Each of the 6 State maritime academies.

“(B) The United States Merchant Marine Academy.

“(C) The Appalachian Transportation Institute.

“(2) There is authorized to be appropriated, \$4,000,000 for grants made under this subsection.

“§ 70108. Foreign port assessment

“(a) IN GENERAL.—The Secretary shall assess the effectiveness of the antiterrorism measures maintained at—

“(1) a foreign port—

“(A) served by vessels documented under chapter 121 of this title; or

“(B) from which foreign vessels depart on a voyage to the United States; and

“(2) any other foreign port the Secretary believes poses a high risk of introducing terrorism to international maritime commerce.

“(b) PROCEDURES.—In conducting an assessment under subsection (a), the Secretary shall assess the effectiveness of—

“(1) screening of containerized and other cargo and baggage;

“(2) security measures to restrict access to cargo, vessels, and dockside property to authorized personnel only;

“(3) additional security on board vessels;

“(4) licensing or certification of compliance with appropriate security standards;

“(5) the security management program of the foreign port; and

“(6) other appropriate measures to deter terrorism against the United States.

“(c) CONSULTATION.—In carrying out this section, the Secretary may consult with—

“(1) the Secretary of Defense and the Secretary of State—

“(A) on the terrorist threat that exists in each country involved; and

“(B) to identify foreign ports that pose a high risk of introducing terrorism to international maritime commerce;

“(2) the Secretary of the Treasury;

“(3) appropriate authorities of foreign governments; and

“(4) operators of vessels.

“§ 70109. Notifying foreign authorities

“If the Secretary, after conducting an assessment under section 70108, finds that a port in a foreign country does not maintain effective antiterrorism measures, the Secretary shall notify the appropriate authorities of the government of the foreign country of the finding and recommend the steps necessary to improve the antiterrorism measures in use at the port.

“§ 70110. Actions when foreign ports not maintaining effective antiterrorism measures

“(a) IN GENERAL.—If the Secretary finds that a foreign port does not maintain effective antiterrorism measures, the Secretary may—

“(1) prescribe conditions of entry into the United States for any vessel arriving from that port, or any vessel carrying cargo originating from or transshipped through that port; and

“(2) deny entry into the United States to any vessel that does not meet such conditions.

“(b) EFFECTIVE DATE FOR SANCTIONS.—Any action taken by the Secretary under subsection (a) for a particular port shall take effect—

“(1) 90 days after the government of the foreign country with jurisdiction over or control of that port is notified under section 70109 unless the Secretary finds that the government has brought the antiterrorism measures at the port up to the security level the Secretary used in making an assessment under section 70108 before the end of that 90-day period; or

“(2) immediately upon the finding of the Secretary under subsection (a) if the Secretary finds, after consulting with the Secretary of State, that a condition exists that threatens the safety or security of passengers, vessels, or crew traveling to or from the port.

“(c) STATE DEPARTMENT TO BE NOTIFIED.—The Secretary immediately shall notify the Secretary of State of a finding that a port does not maintain effective antiterrorism measures.

“(d) ACTION CANCELED.—An action required under this section is no longer required if the Secretary decides that effective antiterrorism measures are maintained at the port.

“§ 70111. Crew and passenger manifests

“(a) IN GENERAL.—The operator of each commercial vessel arriving in the United States from a foreign port shall provide to the Under Secretary by electronic transmission a passenger and crew manifest containing the information specified in subsection (b).

“(b) INFORMATION.—A passenger and crew manifest required under subsection (a) for a vessel shall contain the following information:

“(1) The full name of each passenger and crew member.

“(2) The date of birth and citizenship of each passenger and crew member.

“(3) The sex of each passenger and crew member.

“(4) The passport number and country of issuance of each passenger and crew member if required for travel.

“(5) The United States visa number or resident alien card number of each passenger and crew member, as applicable.

“(6) Such other information as the Under Secretary determines is reasonably necessary to ensure maritime safety.

“(c) TRANSMISSION OF MANIFEST.—Subject to subsection (d), a passenger and crew manifest required for a vessel under subsection (a) shall be transmitted to the Under Secretary in advance of the vessel arriving in the United States in such manner, time, and form as the Under Secretary prescribes.

“(d) TRANSMISSION OF MANIFESTS TO OTHER FEDERAL AGENCIES.—Upon request, information provided to the Under Secretary under this section may be shared with other Federal agencies for the purpose of protecting national security.

“§ 70112. Civil penalty

“Any person that violates this chapter or any regulation under this chapter shall be liable to the United States for a civil penalty of not more than \$25,000 for each violation.”.

(b) CONFORMING AMENDMENT.—The table of subtitles at the beginning of title 46, United States Code, is amended by adding at the end the following:

“VI. MISCELLANEOUS 70101”.

(c) APPLICATION OF CREW AND PASSENGER MANIFEST REQUIREMENT.—Section 70111 of title 46, United States Code, as enacted by the amendment made by subsection (a), shall apply with respect to any vessel arriving in the United States after the 60-day period beginning on the date of the enactment of this Act.

(d) RULEMAKING REQUIREMENTS.—

(1) INTERIM FINAL RULE AUTHORITY.—The Secretary may issue an interim final rule as a temporary regulation implementing this section (including the amendments made by this section) as soon as practicable after the date of enactment of this section, without regard to the provisions of chapter 5 of title 5, United States Code.

(2) INITIATION OF RULEMAKING.—The Secretary may initiate a rulemaking to implement this section (including the amendments made by this section) as soon as practicable after the date of enactment of this section. The final rule issued pursuant to that rulemaking may supersede the interim final rule promulgated under this subsection.

SEC. 102. CLARIFICATION OF COAST GUARD AUTHORITY TO CONTROL VESSELS IN TERRITORIAL WATERS OF THE UNITED STATES.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by adding at the end the following:

“SEC. 15. ENTRY OF VESSELS INTO TERRITORIAL SEA; DIRECTION OF VESSELS BY COAST GUARD.

“(a) NOTIFICATION OF COAST GUARD.—Under regulations prescribed by the Secretary, a commercial vessel entering the territorial sea of the United States shall notify the Secretary by electronic transmission not later than 96 hours before that entry and provide the following information regarding the vessel:

“(1) The name of the vessel.

“(2) The route and port or place of destination in the United States.

“(3) The time of entry into the territorial sea.

“(4) Any information requested by the Secretary to demonstrate compliance with applicable international agreements to which the United States is a party.

“(5) If the vessel is carrying dangerous cargo, a description of that cargo.

“(6) A description of any hazardous conditions on the vessel.

“(7) Any other information requested by the Secretary.

“(b) DENIAL OF ENTRY.—The Secretary may deny entry of a vessel into the territorial sea of the United States if—

“(1) the Secretary has not received notification for the vessel in accordance with subsection (a); or

“(2) the vessel is not in compliance with any other applicable law relating to marine safety, security, or environmental protection.

“(c) DIRECTION OF VESSEL.—The Secretary may direct the operation of any vessel in the navigable waters of the United States as necessary during hazardous circumstances, including the absence of a pilot required by State or Federal law, weather, casualty, vessel traffic, or the poor condition of the vessel.

“(d) IMPLEMENTATION.—The Secretary shall implement this section consistent with section 4(d).”.

SEC. 103. EXTENSION OF SEAWARD JURISDICTION.

(a) DEFINITION OF TERRITORIAL WATERS.—Section 1 of title XIII of the Act of June 15, 1917 (50 U.S.C. 195) is amended—

(1) by striking “The term ‘United States’ as used in this Act includes” and inserting the following:

“In this Act:

“(1) UNITED STATES.—The term ‘United States’ includes”; and

(2) by adding at the end the following:

“(2) TERRITORIAL WATERS.—The term ‘territorial waters of the United States’ includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.”.

(b) CIVIL PENALTY FOR VIOLATION OF ACT OF JUNE 15, 1917.—Section 2 of title II of the Act of June 15, 1917 (50 U.S.C. 192), is amended—

(1) by inserting “(a) IN GENERAL.—” before “If” in the first undesignated paragraph;

(2) by striking “(a) If any other” and inserting “(b) APPLICATION TO OTHERS.—If any other”; and

(3) by adding at the end the following:

“(c) CIVIL PENALTY.—A person violating this Act, or any rule, regulation or order issued under this Act, shall be liable to the United States Government for a civil penalty of not more than \$25,000 for each violation. Each day of a continuing violation shall constitute a separate violation.”.

SEC. 104. SUSPENSION OF LIMITATION ON STRENGTH OF COAST GUARD.

(a) PERSONNEL END STRENGTHS.—Section 661(a) of title 14, United States Code, is amended by adding at the end the following: “If at the end of any fiscal year there is in effect a declaration of war or national emergency, the President may defer the effectiveness of any end-strength limitation with respect to that fiscal year prescribed by law for any military or civilian component of the Coast Guard, for a period not to exceed 6 months after the end of the war or termination of the national emergency.”.

(b) OFFICERS IN COAST GUARD RESERVE.—Section 724 of title 14, United States Code, is amended by adding at the end thereof the following:

“(c) DEFERRAL OF LIMITATION.—If at the end of any fiscal year there is in effect a declaration of war or national emergency, the President may defer the effectiveness of any end-strength limitation with respect to that fiscal year prescribed by law for any military or civilian component of the Coast Guard Reserve, for a period not to exceed 6 months after the end of the war or termination of the national emergency.”.

SEC. 105. EXTENSION OF DEEPWATER PORT ACT TO NATURAL GAS.

(a) IN GENERAL.—The following provisions of the Deepwater Port Act of 1974 (33 U.S.C.

1501 et seq.) are each amended by inserting "or natural gas" after "oil" each place it appears:

- (1) Section 2(a) (33 U.S.C. 1501(a)).
- (2) Section 3(9) (33 U.S.C. 1502(9)).
- (3) Section 4(a) (33 U.S.C. 1503(a)).
- (4) Section 5(c)(2)(G) and (H) (33 U.S.C. 1504(c)(2)(G) and (H)).
- (5) Section 5(i)(2)(B) (33 U.S.C. 1504(i)(2)(B)).
- (6) Section 5(i)(3)(C) (33 U.S.C. 1504(i)(3)(C)).

(7) Section 8 (33 U.S.C. 1507).
 (8) Section 21(a) (33 U.S.C. 1520(a)).
 (b) DEFINITION OF NATURAL GAS.—Section 3 of the Deepwater Port Act of 1974 (33 U.S.C. 1502) is amended—

(1) by redesignating paragraphs (13) through (18) as paragraphs (14) through (19) respectively; and

(2) by inserting after paragraph (12) the following:

"(13) 'natural gas' means either natural gas unmixed, or any mixture of natural or artificial gas, including liquefied natural gas;"

(c) FACILITY APPROVAL.—

(1) Section 5(d) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(d)) is amended by adding at the end the following:

"(4) This subsection shall not apply to deepwater ports for natural gas."

(2) Section 5(i) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(i)) is amended by adding at the end the following:

"(4) The Secretary shall approve or deny any application for a deepwater port for natural gas submitted pursuant to this Act not later than 90 days after the last public hearing on a proposed license. The Secretary shall not consider paragraphs (1), (2), and (3) of this subsection for an application for a deepwater port for natural gas."

(d) FACILITY DEVELOPMENT.—Section 8 of the Deepwater Port Act of 1974 (33 U.S.C. 1507) is amended by adding at the end the following:

"(d) MANAGED ACCESS.—Notwithstanding subsections (a) and (b), a licensee may exclusively utilize the entire capacity of the deepwater port and storage facilities for the acceptance, transport, regasification, or conveyance of natural gas produced, processed, marketed, or otherwise obtained by agreement by such licensee or its affiliates. The licensee may make unused capacity of the deepwater port and storage facilities available to other persons, pursuant to reasonable terms and conditions imposed by the licensee, if such use does not otherwise interfere in any way with the acceptance, transport, regasification, or conveyance of natural gas produced, processed, marketed, or otherwise obtained by agreement by such licensee or its affiliates."

"(e) JURISDICTION.—For the purpose of this Act, the acceptance, transport, regasification, or conveyance of natural gas shall be subject to regulation exclusively under this Act until the natural gas from a deepwater port is delivered out of the deepwater port facilities of the licensee."

(e) REGULATIONS.—

(1) Not later than 30 days after the date of the enactment of this Act, the heads of Federal departments or agencies having expertise concerning, or jurisdiction over, any aspect of the construction or operation of deepwater ports for natural gas shall transmit to the Secretary of Transportation written comments as to their expertise or statutory responsibilities pursuant to the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.) or any other Federal law.

(2) As soon as practicable after the date of the enactment of this Act, the Secretary of Transportation shall issue additional final rules that, in the discretion of the Secretary, are determined to be necessary under the

Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.) for the application and issuance of licenses for a deepwater port for natural gas.

SEC. 106. ASSIGNMENT OF COAST GUARD PERSONNEL AS SEA MARSHALS AND ENHANCED USE OF OTHER SECURITY PERSONNEL.

(a) IN GENERAL.—Section 7(b) of the Ports and Waterways Safety Act (33 U.S.C. 1226(b)) is amended—

(1) by striking "and" after the semicolon in paragraph (1);

(2) by striking "terrorism." in paragraph (2) and inserting "terrorism; and"; and

(3) by adding at the end the following:
 "(3) dispatch properly trained and qualified armed Coast Guard personnel on facilities and vessels to deter or respond to acts of terrorism."

(b) REPORT ON USE OF NON-COAST GUARD PERSONNEL.—The Secretary of Transportation shall evaluate and report to the Congress on—

(1) the potential use of Federal, State, or local government personnel, and documented United States Merchant Marine personnel, to supplement Coast Guard personnel under section 7(b)(3) of the Ports and Waterways Safety Act (33 U.S.C. 1226(b)(3));

(2) the possibility of using personnel other than Coast Guard personnel to carry out Coast Guard personnel functions under that section and whether additional legal authority would be necessary to use such personnel for such functions; and

(3) the possibility of utilizing the United States Merchant Marine Academy, State maritime academies, or Coast Guard approved maritime industry schools in the United States, to provide training under that section.

SEC. 107. AUTOMATIC IDENTIFICATION SYSTEM.

(a) TRANSPONDER REQUIREMENT.—

(1) IN GENERAL.—Subject to paragraph (2), the following vessels, while operating on the navigable waters of the United States, shall be equipped with a position indicating transponder and an appropriate situation display or other device suitable for accessing information made available by the transponder system, in accordance with regulations prescribed by the Secretary of Transportation:

(A) Vessels subject to Public Law 92-63.

(B) Small passenger vessels carrying more than a number of passengers determined by the Secretary of Transportation.

(C) Towing vessels while towing astern or pushing ahead or alongside, except commercial assistance towing vessels rendering assistance to disabled small vessels.

(2) EXEMPTION.—The Secretary may exempt a vessel from paragraph (1) if the Secretary finds that a transponder is not necessary for the safe navigation of the vessel on the waters on which the vessel operates.

(b) REGULATIONS.—The Secretary of Transportation shall issue regulations implementing subsection (a), including requirements for the operation and maintenance of transponders required under subsection (a).

(c) APPLICATION.—Subsection (a) shall apply as follows:

(1) On and after December 31, 2002, to—

(A) any vessel built after that date; and

(B) notwithstanding paragraphs (2) and (3), any vessel operating within the geographic boundaries of a Vessel Traffic Service.

(2) On and after July 1, 2003, to any vessel built before the date referred to in paragraph (1) that is—

(A) a passenger vessel;

(B) a tanker; or

(C) a towing vessel engaged in moving a tank vessel.

(3) On and after December 31, 2004, to all other vessels built before the date referred to in paragraph (1).

SEC. 108. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR CARGO.

(a) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(1) in the first sentence, by striking "Any manifest" and inserting "(1) Any manifest"; and

(2) by adding at the end the following:

"(2)(A) In addition to any other requirement under this section, for each land, air, or vessel carrier required to make entry under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission cargo information in advance of such entry in such manner, time, and form as prescribed under regulations by the Secretary. In issuing such regulations, the Secretary shall consult with other appropriate Federal departments and agencies as part of an interagency process, including, but not limited to, the Department of Transportation, the Department of Justice, and the Department of Defense. The Secretary may exclude any class of land, air, or vessel carrier for which the Secretary concludes the requirements of this subparagraph are not necessary."

"(B) The Secretary shall provide to appropriate Federal departments and agencies cargo information obtained pursuant to subparagraph (A). In carrying out the preceding sentence, the Secretary, to the maximum extent practicable, shall protect the privacy and property rights with respect to the cargo involved."

(b) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon "or subsection (b)(2)".

TITLE II—MARITIME POLICY IMPROVEMENT

SEC. 201. SHORT TITLE.

This title may be cited as the "Maritime Policy Improvement Act of 2002".

SEC. 202. VESSEL COASTAL VENTURE.

Section 1120(g) of the Coast Guard Authorization Act of 1996 (Public Law 104-324; 110 Stat. 3978) is amended by inserting "COASTAL VENTURE (United States official number 971086)," after "vessels".

SEC. 203. EXPANSION OF AMERICAN MERCHANT MARINE MEMORIAL WALL OF HONOR.

(a) FINDINGS.—The Congress finds that—

(1) the United States Merchant Marine has served the people of the United States in all wars since 1775;

(2) the United States Merchant Marine served as the Nation's first navy and defeated the British Navy to help gain the Nation's independence;

(3) the United States Merchant Marine kept the lifeline of freedom open to the allies of the United States during the Second World War, making one of the most significant contributions made by any nation to the victory of the allies in that war;

(4) President Franklin D. Roosevelt and many military leaders praised the role of the United States Merchant Marine as the "Fourth Arm of Defense" during the Second World War;

(5) more than 250,000 men and women served in the United States Merchant Marine during the Second World War;

(6) during the Second World War, members of the United States Merchant Marine faced dangers from the elements and from submarines, mines, armed raiders, destroyers, aircraft, and "kamikaze" pilots;

(7) during the Second World War, at least 6,830 members of the United States Merchant Marine were killed at sea;

(8) during the Second World War, 11,000 members of the United States Merchant Marine were wounded, at least 1,100 of whom later died from their wounds;

(9) during the Second World War, 604 members of the United States Merchant Marine were taken prisoner;

(10) 1 in 32 members of the United States Merchant Marine serving in the Second World War died in the line of duty, suffering a higher percentage of war-related deaths than any of the other armed services of the United States; and

(11) the United States Merchant Marine continues to serve the United States, promoting freedom and meeting the high ideals of its former members.

(b) GRANTS TO CONSTRUCT ADDITION TO AMERICAN MERCHANT MARINE MEMORIAL WALL OF HONOR.—

(1) IN GENERAL.—The Secretary of Transportation may make grants to the American Merchant Marine Veterans Memorial Committee, Inc., to construct an addition to the American Merchant Marine Memorial Wall of Honor located at the Los Angeles Maritime Museum in San Pedro, California.

(2) FEDERAL SHARE.—The Federal share of the cost of activities carried out with a grant made under this section shall be 50 percent.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$500,000 for fiscal year 2002.

SEC. 204. DISCHARGE OF AGRICULTURAL CARGO RESIDUE.

Notwithstanding any other provision of law, the discharge from a vessel of any agricultural cargo residue material in the form of hold washings shall be governed exclusively by the provisions of the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) that implement Annex V to the International Convention for the Prevention of Pollution from Ships.

SEC. 205. RECORDING AND DISCHARGING NOTICES OF CLAIM OF MARITIME LIEN.

(a) LIENS ON ANY DOCUMENTED VESSEL.—

(1) IN GENERAL.—Section 31343 of title 46, United States Code, is amended as follows:

(A) By amending the section heading to read as follows:

“§ 31343. Recording and discharging notices of claim of maritime lien”.

(B) In subsection (a) by striking “covered by a preferred mortgage filed or recorded under this chapter” and inserting “documented, or for which an application for documentation has been filed, under chapter 121”.

(C) By amending subsection (b) to read as follows:

“(b)(1) The Secretary shall record a notice complying with subsection (a) of this section if, when the notice is presented to the Secretary for recording, the person having the claim files with the notice a declaration stating the following:

“(A) The information in the notice is true and correct to the best of the knowledge, information, and belief of the individual who signed it.

“(B) A copy of the notice, as presented for recordation, has been sent to each of the following:

“(i) The owner of the vessel.

“(ii) Each person that recorded under section 31343(a) of this title an unexpired notice of a claim of an undischarged lien on the vessel.

“(iii) The mortgagee of each mortgage filed or recorded under section 31321 of this title that is an undischarged mortgage on the vessel.

“(2) A declaration under this subsection filed by a person that is not an individual must be signed by the president, member, partner, trustee, or other individual authorized to execute the declaration on behalf of the person.”.

(D) By amending subsection (c) to read as follows:

“(c)(1) On full and final discharge of the indebtedness that is the basis for a notice of claim of lien recorded under subsection (b) of this section, the person having the claim shall provide the Secretary with an acknowledged certificate of discharge of the indebtedness. The Secretary shall record the certificate.

“(2) The district courts of the United States shall have jurisdiction over a civil action to declare that a vessel is not subject to a lien claimed under subsection (b) of this section, or that the vessel is not subject to the notice of claim of lien, or both, regardless of the amount in controversy or the citizenship of the parties. Venue in such an action shall be in the district where the vessel is found, or where the claimant resides, or where the notice of claim of lien is recorded. The court may award costs and attorneys fees to the prevailing party, unless the court finds that the position of the other party was substantially justified or other circumstances make an award of costs and attorneys fees unjust. The Secretary shall record any such declaratory order.”.

(E) By adding at the end the following:

“(e) A notice of claim of lien recorded under subsection (b) of this section shall expire 3 years after the date the lien was established, as such date is stated in the notice under subsection (a) of this section.

“(f) This section does not alter in any respect the law pertaining to the establishment of a maritime lien, the remedy provided by such a lien, or the defenses thereto, including any defense under the doctrine of laches.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 313 of title 46, United States Code, is amended by striking the item relating to section 31343 and inserting the following:

“31343. Recording and discharging notices of claim of maritime lien.”.

(b) NOTICE REQUIREMENTS.—Section 31325 of title 46, United States Code, is amended as follows:

(1) In subsection (d)(1)(B) by striking “a notice of a claim” and inserting “an unexpired notice of a claim”.

(2) In subsection (f)(1) by striking “a notice of a claim” and inserting “an unexpired notice of a claim”.

(c) APPROVAL OF SURRENDER OF DOCUMENTATION.—Section 12111 of title 46, United States Code, is amended by adding at the end the following:

“(d)(1) The Secretary shall not refuse to approve the surrender of the certificate of documentation for a vessel solely on the basis that a notice of a claim of a lien on the vessel has been recorded under section 31343(a) of this title.

“(2) The Secretary may condition approval of the surrender of the certificate of documentation for a vessel over 1,000 gross tons.”.

(d) TECHNICAL CORRECTION.—Section 9(c) of the Shipping Act, 1916 (46 App. U.S.C. 808(c)) is amended in the matter preceding paragraph (1) by striking “Except” and all that follows “12106(e) of title 46,” and inserting “Except as provided in section 611 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1181) and in section 12106(e) of title 46.”.

(e) EFFECTIVE DATE.—This section shall take effect July 1, 2002.

SEC. 206. TONNAGE OF R/V DAVIDSON.

(a) IN GENERAL.—The Secretary of Transportation shall prescribe a tonnage measurement as a small passenger vessel as defined in section 2101 of title 46, United States Code, for the vessel R/V DAVIDSON (United States official number D1066485) for purposes of applying the optional regulatory measurement under section 14305 of that title.

(b) APPLICATION.—Subsection (a) shall apply only when the vessel is operating in compliance with the requirements of section 3301(8) of title 46, United States Code.

SEC. 207. MISCELLANEOUS CERTIFICATES OF DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 App. U.S.C. 289), and sections 12106 and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the following vessels:

(1) LOOKING GLASS (United States official number 925735).

(2) YANKEE (United States official number 1076210).

(3) LUCKY DOG of St. Petersburg, Florida (State of Florida registration number FLZP7569E373).

(4) ENTERPRIZE (United States official number 1077571).

(5) M/V SANDPIPER (United States official number 1079439).

(6) FRITHA (United States official number 1085943).

(7) PUFFIN (United States official number 697029).

(8) VICTORY OF BURNHAM (United States official number 663780).

(9) R'ADVENTURE II (United States official number 905373).

(10) ANTJA (State of Florida registration number FL3475MA).

(11) SKIMMER, manufactured by Contour Yachts, Inc. (hull identification number QHG34031D001).

(12) TOKEENA (State of South Carolina registration number SC 1602 BJ).

(13) DOUBLE EAGLE2 (United States official number 1042549).

(14) ENCOUNTER (United States official number 998174).

(15) AJ (United States official number 599164).

(16) BARGE 10 (United States official number 1101368).

(17) NOT A SHOT (United States official number 911064).

(18) PRIDE OF MANY (Canadian official number 811529).

(19) AMAZING GRACE (United States official number 92769).

(20) SHEWHO (United States official number 1104094).

SEC. 208. EXEMPTION FOR VICTORY SHIPS.

Section 3302(l)(1) of title 46, United States Code, is amended by adding at the end the following:

“(D) The steamship SS Red Oak Victory (United States official number 249410), owned by the Richmond Museum Association, located in Richmond, California.

“(E) The SS American Victory (United States official number 248005), owned by Victory Ship, Inc., of Tampa, Florida.”.

SEC. 209. CERTIFICATE OF DOCUMENTATION FOR 3 BARGES.

(a) DOCUMENTATION CERTIFICATE.—Notwithstanding section 12106 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), and subject to subsection (c) of this section, the Secretary of Transportation may issue a certificate of documentation with an appropriate endorsement for employment in the coastwise trade for each of the vessels listed in subsection (b).

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are the following:

(1) The former Navy deck barge JIM, having a length of 110 feet and a width of 34 feet.

(2) The former railroad car barge HUGH, having a length of 185 feet and a width of 34 feet.

(3) The former railroad car barge TOMMY, having a length of 185 feet and a width of 34 feet.

(c) **LIMITATION ON OPERATION.**—A vessel issued a certificate of documentation under this section may be used only as a floating platform for launching fireworks, including transportation of materials associated with that use.

SEC. 210. CERTIFICATE OF DOCUMENTATION FOR THE EAGLE.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), chapter 121 of title 46, United States Code, and section 1 of the Act of May 28, 1906 (46 App. U.S.C. 292), the Secretary of Transportation shall issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel EAGLE (hull number BK-1754, United States official number 1091389) if the vessel is—

(1) owned by a State, a political subdivision of a State, or a public authority chartered by a State;

(2) if chartered, chartered to a State, a political subdivision of a State, or a public authority chartered by a State;

(3) operated only in conjunction with—

(A) scour jet operations; or

(B) dredging services adjacent to facilities owned by the State, political subdivision, or public authority; and

(4) externally identified clearly as a vessel of that State, subdivision or authority.

SEC. 211. WAIVER FOR VESSELS IN NEW WORLD CHALLENGE RACE.

Notwithstanding section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289), beginning on April 1, 2002, the 10 sailboats participating in the New World Challenge Race may transport guests, who have not contributed consideration for their passage, from and around the ports of San Francisco and San Diego, California, before and during stops of that race. This section shall have no force or effect beginning on the earlier of—

(1) 60 days after the last competing sailboat reaches the end of that race in San Francisco, California; or

(2) December 31, 2003.

SEC. 212. VESSEL ASPHALT COMMANDER.

Notwithstanding any other law or agreement with the United States Government, the vessel ASPHALT COMMANDER (United States official number 663105) may be transferred to or placed under a foreign registry or sold to a person that is not a citizen of the United States and transferred to or placed under a foreign registry.

TITLE III—COAST GUARD PERSONNEL AND MARITIME SAFETY

SEC. 301. SHORT TITLE.

This title may be cited as the “Coast Guard Personnel and Maritime Safety Act of 2002”.

Subtitle A—Personnel Management

SEC. 311. COAST GUARD BAND DIRECTOR RANK.

Section 336(d) of title 14, United States Code, is amended by striking “commander” and inserting “captain”.

SEC. 312. COMPENSATORY ABSENCE FOR ISOLATED DUTY.

(a) **IN GENERAL.**—Section 511 of title 14, United States Code, is amended to read as follows:

“§ 511. Compensatory absence from duty for military personnel at isolated duty stations

“The Secretary may grant compensatory absence from duty to military personnel of the Coast Guard serving at isolated duty stations of the Coast Guard when conditions of duty result in confinement because of isolation or in long periods of continuous duty.”.

(b) **CLERICAL AMENDMENT.**—The chapter analysis for chapter 13 of title 14, United

States Code, is amended by striking the item relating to section 511 and inserting the following:

“511. Compensatory absence from duty for military personnel at isolated duty stations.”.

SEC. 313. ACCELERATED PROMOTION OF CERTAIN COAST GUARD OFFICERS.

Title 14, United States Code, is amended—

(1) in section 259, by adding at the end a new subsection (c) to read as follows:

“(c)(1) After selecting the officers to be recommended for promotion, a selection board may recommend officers of particular merit, from among those officers chosen for promotion, to be placed at the top of the list of selectees promulgated by the Secretary under section 271(a) of this title. The number of officers that a board may recommend to be placed at the top of the list of selectees may not exceed the percentages set forth in subsection (b) unless such a percentage is a number less than one, in which case the board may recommend one officer for such placement. No officer may be recommended to be placed at the top of the list of selectees unless he or she receives the recommendation of at least a majority of the members of a board composed of five members, or at least two-thirds of the members of a board composed of more than five members.

“(2) The Secretary shall conduct a survey of the Coast Guard officer corps to determine if implementation of this subsection will improve Coast Guard officer retention. A selection board may not make any recommendation under this subsection before the date on which the Secretary publishes a finding, based upon the results of the survey, that implementation of this subsection will improve Coast Guard officer retention.

“(3) The Secretary shall submit any finding made by the Secretary pursuant to paragraph (2) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.”.

(2) in section 260(a), by inserting “and the names of those officers recommended to be advanced to the top of the list of selectees established by the Secretary under section 271(a) of this title” after “promotion”; and

(3) in section 271(a), by inserting at the end thereof the following: “The names of all officers approved by the President and recommended by the board to be placed at the top of the list of selectees shall be placed at the top of the list of selectees in the order of seniority on the active duty promotion list.”.

Subtitle B—Marine Safety

SEC. 321. EXTENSION OF TERRITORIAL SEA FOR VESSEL BRIDGE-TO-BRIDGE RADIO-TELEPHONE ACT.

Section 4(b) of the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1203(b)), is amended by striking “United States inside the lines established pursuant to section 2 of the Act of February 19, 1895 (28 Stat. 672), as amended.” and inserting “United States, which includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.”.

SEC. 322. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) **COAST GUARD OPERATIONS AND EXPENDITURES.**—Section 651 of title 14, United States Code.

(2) **SUMMARY OF MARINE CASUALTIES REPORTED DURING PRIOR FISCAL YEAR.**—Section 6307(c) of title 46, United States Code.

(3) **USER FEE ACTIVITIES AND AMOUNTS.**—Section 664 of title 46, United States Code.

(4) **CONDITIONS OF PUBLIC PORTS OF THE UNITED STATES.**—Section 308(c) of title 49, United States Code.

(5) **ACTIVITIES OF FEDERAL MARITIME COMMISSION.**—Section 208 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1118).

(6) **ACTIVITIES OF INTERAGENCY COORDINATING COMMITTEE ON OIL POLLUTION RESEARCH.**—Section 7001(e) of the Oil Pollution Act of 1990 (33 U.S.C. 2761(e)).

SEC. 323. OIL SPILL LIABILITY TRUST FUND; EMERGENCY FUND ADVANCEMENT AUTHORITY.

Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752(b)) is amended after the first sentence by inserting “To the extent that such amount is not adequate for removal of a discharge or the mitigation or prevention of a substantial threat of a discharge, the Coast Guard may obtain an advance from the Fund such sums as may be necessary, up to a maximum of \$100,000,000, and within 30 days shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance. Amounts advanced shall be repaid to the Fund when, and to the extent that removal costs are recovered by the Coast Guard from responsible parties for the discharge or substantial threat of discharge.”.

SEC. 324. MERCHANT MARINER DOCUMENTATION REQUIREMENTS.

(a) **INTERIM MERCHANT MARINERS’ DOCUMENTS.**—Section 7302 of title 46, United States Code, is amended—

(1) by striking “A” in subsection (f) and inserting “Except as provided in subsection (g), a”; and

(2) by adding at the end the following:

“(g)(1) The Secretary may, pending receipt and review of information required under subsections (c) and (d), immediately issue an interim merchant mariner’s document valid for a period not to exceed 120 days, to—

“(A) an individual to be employed as gaming personnel, entertainment personnel, wait staff, or other service personnel on board a passenger vessel not engaged in foreign service, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo or passengers; or

“(B) an individual seeking renewal of, or qualifying for a supplemental endorsement to, a valid merchant mariner’s document issued under this section.

“(2) No more than one interim document may be issued to an individual under paragraph (1)(A) of this subsection.”.

(b) **EXCEPTION.**—Section 8701(a) of title 46, United States Code, is amended—

(1) by striking “and” after the semicolon in paragraph (8);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following:

“(9) a passenger vessel not engaged in a foreign voyage with respect to individuals on board employed for a period of not more than 30 service days within a 12 month period as entertainment personnel, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo or passengers; and”.

SEC. 325. PENALTIES FOR NEGLIGENT OPERATIONS AND INTERFERING WITH SAFE OPERATION.

Section 2302(a) of title 46, United States Code, is amended by striking “\$1,000.” and inserting “\$5,000 in the case of a recreational vessel, or \$25,000 in the case of any other vessel.”.

Subtitle C—Renewal of Advisory Groups**SEC. 331. COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.**

(a) COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.—Section 4508 of title 46, United States Code, is amended—

(1) by inserting “**Safety**” in the heading after “**Vessel**”;

(2) by inserting “**Safety**” in subsection (a) after “**Vessel**”;

(3) by striking “(5 App. U.S.C. 1 et seq.)” in subsection (e)(1)(I) and inserting “(5 App. U.S.C.)”; and

(4) by striking “of September 30, 2000” and inserting “on September 30, 2005”.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 45 of title 46, United States Code, is amended by striking the item relating to section 4508 and inserting the following:

“4508. Commercial Fishing Industry Vessel Safety Advisory Committee.”.

SEC. 332. HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE.

Section 18(h) of the Coast Guard Authorization Act of 1991 (Public Law 102-241) is amended by striking “September 30, 2000.” and inserting “September 30, 2005.”.

SEC. 333. LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.

Section 19 of the Coast Guard Authorization Act of 1991 (Public Law 102-241) is amended by striking “September 30, 2000” in subsection (g) and inserting “September 30, 2005”.

SEC. 334. NAVIGATION SAFETY ADVISORY COUNCIL.

Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended by striking “September 30, 2000” in subsection (d) and inserting “September 30, 2005”.

SEC. 335. NATIONAL BOATING SAFETY ADVISORY COUNCIL.

Section 13110 of title 46, United States Code, is amended by striking “September 30, 2000” in subsection (e) and inserting “September 30, 2005”.

SEC. 336. TOWING SAFETY ADVISORY COMMITTEE.

The Act entitled “An Act to Establish a Towing Safety Advisory Committee in the Department of Transportation” (33 U.S.C. 1231a) is amended by striking “September 30, 2000.” in subsection (e) and inserting “September 30, 2005.”.

Subtitle D—Miscellaneous**SEC. 341. PATROL CRAFT.**

Notwithstanding any other provision of law, the Secretary of Transportation may accept, by direct transfer without cost, for use by the Coast Guard primarily for expanded drug interdiction activities required to meet national supply reduction performance goals, up to 7 PC-170 patrol craft from the Department of Defense if it offers to transfer such craft.

SEC. 342. BOATING SAFETY.

(a) FEDERAL FUNDING.—Section 4(b)(3) of the Act of August 9, 1950 (16 U.S.C. 777c(b)(3)) is amended by striking “\$82,000,000” and inserting “\$83,000,000”.

(b) STATE FUNDING.—Section 13102(a)(3) of title 46, United States Code, is amended by striking “general State revenue” and inserting “State funds, including amounts expended for the State’s recreational boating safety program by a State agency, a public corporation established under State law, or any other State instrumentality, as determined by the Secretary”.

SEC. 343. CARIBBEAN SUPPORT TENDER.

(a) IN GENERAL.—The Coast Guard may operate and maintain a Caribbean Support Tender (or similar type vessel) to provide technical assistance, including law enforce-

ment training, for foreign coast guards, navies, and other maritime services.

(b) MEDICAL AND DENTAL CARE FOR CARIBBEAN SUPPORT TENDER PERSONNEL AND DEPENDENTS.—

(1) PROVISION.—The Commandant may provide medical and dental care to foreign military Caribbean Support Tender personnel and their dependents accompanying them in the United States—

(A) on an outpatient basis without cost; and

(B) on an inpatient basis if the United States is reimbursed for the costs of providing such care.

(2) CREDITING OF PAYMENTS.—Payments received as reimbursement for the provision of such care shall be credited to the appropriations against which the charges were made for the provision of such care.

(3) INPATIENT CARE WITHOUT COST.—Notwithstanding paragraph (1)(B), the Commandant may provide inpatient medical and dental care in the United States without cost to foreign military Caribbean Support Tender personnel and their dependents accompanying them in the United States if comparable care is made available to a comparable number of United States military personnel in that foreign country.

SEC. 344. PROHIBITION OF NEW MARITIME USER FEES.

Section 2110(k) of title 46, United States Code, is amended by striking “2001” and inserting “2006”.

SEC. 345. GREAT LAKES LIGHTHOUSES.

(a) FINDINGS.—The Congress finds the following:

(1) The Great Lakes are home to more than 400 lighthouses. 120 of these maritime landmarks are in the State of Michigan.

(2) Lighthouses are an important part of Great Lakes culture and stand as a testament to the importance of shipping in the region’s political, economic, and social history.

(3) Advances in navigation technology have made many Great Lakes lighthouses obsolete. In Michigan alone, approximately 70 lighthouses will be designated as excess property of the Federal Government and will be transferred to the General Services Administration for disposal.

(4) Unfortunately, the Federal property disposal process is confusing, complicated, and not well-suited to disposal of historic lighthouses or to facilitate transfers to nonprofit organizations. This is especially troubling because, in many cases, local nonprofit historical organizations have dedicated tremendous resources to preserving and maintaining Great Lakes lighthouses.

(5) If Great Lakes lighthouses disappear, the public will be unaware of an important chapter in Great Lakes history.

(6) The National Trust for Historic Preservation has placed Michigan lighthouses on their list of Most Endangered Historic Places.

(b) ASSISTANCE FOR GREAT LAKES LIGHTHOUSE PRESERVATION EFFORTS.—The Secretary of Transportation, acting through the Coast Guard, shall—

(1) continue to offer advice and technical assistance to organizations in the Great Lakes region that are dedicated to lighthouse stewardship; and

(2) promptly release information regarding the timing of designations of Coast Guard lighthouses on the Great Lakes as excess to the needs of the Coast Guard, to enable those organizations to mobilize and be prepared to take appropriate action with respect to the disposal of those properties.

SEC. 346. MODERNIZATION OF NATIONAL DISTRESS AND RESPONSE SYSTEM.

(a) REPORT.—The Secretary of Transportation shall prepare a status report on the

modernization of the National Distress and Response System and transmit the report, not later than 60 days after the date of enactment of this Act, and annually thereafter until completion of the project, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(b) CONTENTS.—The report required by subsection (a) shall—

(1) set forth the scope of the modernization, the schedule for completion of the System, and information on progress in meeting the schedule and on any anticipated delays;

(2) specify the funding expended to-date on the System, the funding required to complete the System, and the purposes for which the funds were or will be expended;

(3) describe and map the existing public and private communications coverage throughout the waters of the coastal and internal regions of the continental United States, Alaska, Hawaii, Guam, and the Caribbean, and identify locations that possess direction-finding, asset-tracking communications, and digital selective calling service;

(4) identify areas of high risk to boaters and Coast Guard personnel due to communications gaps;

(5) specify steps taken by the Secretary to fill existing gaps in coverage, including obtaining direction-finding equipment, digital recording systems, asset-tracking communications, use of commercial VHF services, and digital selective calling services that meet or exceed Global Maritime Distress and Safety System requirements adopted under the International Convention for the Safety of Life at Sea;

(6) identify the number of VHF-FM radios equipped with digital selective calling sold to United States boaters;

(7) list all reported marine accidents, casualties, and fatalities occurring in areas with existing communications gaps or failures, including incidents associated with gaps in VHF-FM coverage or digital selective calling capabilities and failures associated with inadequate communications equipment aboard the involved vessels during calendar years 1997 forward;

(8) identify existing systems available to close identified marine safety gaps before January 1, 2003, including expeditious receipt and response by appropriate Coast Guard operations centers to VHF-FM digital selective calling distress signal; and

(9) identify actions taken to-date to implement the recommendations of the National Transportation Safety Board in its Report No. MAR-99-01.

SEC. 347. CONVEYANCE OF COAST GUARD PROPERTY IN PORTLAND, MAINE.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation, or a designee of the Secretary, may convey to the Gulf of Maine Aquarium Development Corporation, its successors and assigns, without payment for consideration, all right, title, and interest of the United States in and to approximately 4.13 acres of land, including a pier and bulkhead, known as the Naval Reserve Pier property, together with any improvements thereon in their then current condition, located in Portland, Maine. All conditions placed with the deed of title shall be construed as covenants running with the land.

(2) IDENTIFICATION OF PROPERTY.—The Secretary, in consultation with the Commandant of the Coast Guard, may identify, describe, and determine the property to be conveyed under this section. The floating docks associated with or attached to the Naval Reserve Pier property shall remain the personal property of the United States.

(b) LEASE TO THE UNITED STATES.—

(1) **CONDITION OF CONVEYANCE.**—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into a lease agreement with the United States, the terms of which are mutually satisfactory to the Commandant and the Corporation, in which the Corporation shall lease a portion of the Naval Reserve Pier property to the United States for a term of 30 years without payment of consideration. The lease agreement shall be executed within 12 months after the date of enactment of this Act.

(2) **IDENTIFICATION OF LEASED PREMISES.**—The Secretary, in consultation with the Commandant, may identify and describe the leased premises and rights of access, including the following, in order to allow the Coast Guard to operate and perform missions from and upon the leased premises:

(A) The right of ingress and egress over the Naval Reserve Pier property, including the pier and bulkhead, at any time, without notice, for purposes of access to Coast Guard vessels and performance of Coast Guard missions and other mission-related activities.

(B) The right to berth Coast Guard cutters or other vessels as required, in the moorings along the east side of the Naval Reserve Pier property, and the right to attach floating docks which shall be owned and maintained at the United States' sole cost and expense.

(C) The right to operate, maintain, remove, relocate, or replace an aid to navigation located upon, or to install any aid to navigation upon, the Naval Reserve Pier property as the Coast Guard, in its sole discretion, may determine is needed for navigational purposes.

(D) The right to occupy up to 3,000 gross square feet at the Naval Reserve Pier property for storage and office space, which will be provided and constructed by the Corporation, at the Corporation's sole cost and expense, and which will be maintained, and utilities and other operating expenses paid for, by the United States at its sole cost and expense.

(E) The right to occupy up to 1,200 gross square feet of offsite storage in a location other than the Naval Reserve Pier property, which will be provided by the Corporation at the Corporation's sole cost and expense, and which will be maintained, and utilities and other operating expenses paid for, by the United States at its sole cost and expense.

(F) The right for Coast Guard personnel to park up to 60 vehicles, at no expense to the government, in the Corporation's parking spaces on the Naval Reserve Pier property or in parking spaces that the Corporation may secure within 1,000 feet of the Naval Reserve Pier property or within 1,000 feet of the Coast Guard Marine Safety Office Portland. Spaces for no less than 30 vehicles shall be located on the Naval Reserve Pier property.

(3) **RENEWAL.**—The lease described in paragraph (1) may be renewed, at the sole option of the United States, for additional lease terms.

(4) **LIMITATION ON SUBLEASES.**—The United States may not sublease the leased premises to a third party or use the leased premises for purposes other than fulfilling the missions of the Coast Guard and for other mission-related activities.

(5) **TERMINATION.**—In the event that the Coast Guard ceases to use the leased premises, the Secretary, in consultation with the Commandant, may terminate the lease with the Corporation.

(c) **IMPROVEMENT OF LEASED PREMISES.**—

(1) **IN GENERAL.**—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States, subject to the Commandant's design specifications, project's schedule, and final project approval, to replace the bulk-

head and pier which connects to, and provides access from, the bulkhead to the floating docks, at the Corporation's sole cost and expense, on the east side of the Naval Reserve Pier property within 30 months from the date of conveyance. The agreement to improve the leased premises shall be executed within 12 months after the date of enactment of this Act.

(2) **FURTHER IMPROVEMENTS.**—In addition to the improvements described in paragraph (1), the Commandant may to further improve the leased premises during the lease term, at the United States sole cost and expense.

(d) **UTILITY INSTALLATION AND MAINTENANCE OBLIGATIONS.**—

(1) **UTILITIES.**—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States to allow the United States to operate and maintain existing utility lines and related equipment, at the United States sole cost and expense. At such time as the Corporation constructs its proposed public aquarium, the Corporation shall replace existing utility lines and related equipment and provide additional utility lines and equipment capable of supporting a third 110-foot Coast Guard cutter, with comparable, new, code compliant utility lines and equipment at the Corporation's sole cost and expense, maintain such utility lines and related equipment from an agreed upon demarcation point, and make such utility lines and equipment available for use by the United States, provided that the United States pays for its use of utilities at its sole cost and expense. The agreement concerning the operation and maintenance of utility lines and equipment shall be executed within 12 months after the date of enactment of this Act.

(2) **MAINTENANCE.**—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States to maintain, at the Corporation's sole cost and expense, the bulkhead and pier on the east side of the Naval Reserve Pier property. The agreement concerning the maintenance of the bulkhead and pier shall be executed within 12 months after the date of enactment of this Act.

(3) **AIDS TO NAVIGATION.**—The United States shall be required to maintain, at its sole cost and expense, any Coast Guard active aid to navigation located upon the Naval Reserve Pier property.

(e) **ADDITIONAL RIGHTS.**—The conveyance of the Naval Reserve Pier property shall be made subject to conditions the Secretary considers necessary to ensure that—

(1) the Corporation shall not interfere or allow interference, in any manner, with use of the leased premises by the United States; and

(2) the Corporation shall not interfere or allow interference, in any manner, with any aid to navigation nor hinder activities required for the operation and maintenance of any aid to navigation, without the express written permission of the head of the agency responsible for operating and maintaining the aid to navigation.

(f) **REMEDIES AND REVERSIONARY INTEREST.**—The Naval Reserve Pier property, at the option of the Secretary, shall revert to the United States and be placed under the administrative control of the Secretary, if, and only if, the Corporation fails to abide by any of the terms of this section or any agreement entered into under subsection (b), (c), or (d) of this section.

(g) **LIABILITY OF THE PARTIES.**—The liability of the United States and the Corporation for any injury, death, or damage to or loss of property occurring on the leased property shall be determined with reference to existing State or Federal law, as appropriate, and

any such liability may not be modified or enlarged by this title or any agreement of the parties.

(h) **EXPIRATION OF AUTHORITY TO CONVEY.**—The authority to convey the Naval Reserve property under this section shall expire 3 years after the date of enactment of this Act.

(i) **DEFINITIONS.**—In this section:

(1) **AID TO NAVIGATION.**—The term "aid to navigation" means equipment used for navigational purposes, including but not limited to, a light, antenna, sound signal, electronic navigation equipment, cameras, sensors power source, or other related equipment which are operated or maintained by the United States.

(2) **CORPORATION.**—The term "Corporation" means the Gulf of Maine Aquarium Development Corporation, its successors and assigns.

SEC. 348. HARBOR SAFETY COMMITTEES.

(a) **STUDY.**—The Coast Guard shall study existing harbor safety committees in the United States to identify—

(1) strategies for gaining successful cooperation among the various groups having an interest in the local port or waterway;

(2) organizational models that can be applied to new or existing harbor safety committees or to prototype harbor safety committees established under subsection (b);

(3) technological assistance that will help harbor safety committees overcome local impediments to safety, mobility, environmental protection, and port security; and

(4) recurring resources necessary to ensure the success of harbor safety committees.

(b) **PROTOTYPE COMMITTEES.**—The Coast Guard shall test the feasibility of expanding the harbor safety committee concept to small and medium-sized ports that are not generally served by a harbor safety committee by establishing 1 or more prototype harbor safety committees. In selecting a location or locations for the establishment of a prototype harbor safety committee, the Coast Guard shall—

(1) consider the results of the study conducted under subsection (a);

(2) consider identified safety issues for a particular port;

(3) compare the potential benefits of establishing such a committee with the burdens the establishment of such a committee would impose on participating agencies and organizations;

(4) consider the anticipated level of support from interested parties; and

(5) take into account such other factors as may be appropriate.

(c) **EFFECT ON EXISTING PROGRAMS AND STATE LAW.**—Nothing in this section—

(1) limits the scope or activities of harbor safety committees in existence on the date of enactment of this Act;

(2) precludes the establishment of new harbor safety committees in locations not selected for the establishment of a prototype committee under subsection (b); or

(3) preempts State law.

(d) **NONAPPLICATION OF FACA.**—The Federal Advisory Committee Act (5 App. U.S.C.) does not apply to harbor safety committees established under this section or any other provision of law.

(e) **HARBOR SAFETY COMMITTEE DEFINED.**—In this section, the term "harbor safety committee" means a local coordinating body—

(1) whose responsibilities include recommending actions to improve the safety of a port or waterway; and

(2) the membership of which includes representatives of government agencies, maritime labor, maritime industry companies and organizations, environmental groups, and public interest groups.

SEC. 349. MISCELLANEOUS CONVEYANCES.

(a) **AUTHORITY TO CONVEY.**—

(1) IN GENERAL.—The Secretary of Transportation may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to each of the following properties:

(A) Coast Guard Slip Point Light Station, located in Clallam County, Washington, to Clallam County, Washington.

(B) The parcel of land on which is situated the Point Piños Light, located in Monterey County, California, to the city of Pacific Grove, California.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed under this subsection.

(3) LIMITATION.—The Secretary may not under this section convey—

(A) any historical artifact, including any lens or lantern, located on the property at or before the time of the conveyance; or

(B) any interest in submerged land.

(b) GENERAL TERMS AND CONDITIONS.—

(1) IN GENERAL.—Each conveyance of property under this section shall be made—

(A) without payment of consideration; and

(B) subject to the terms and conditions required by this section and other terms and conditions the Secretary may consider appropriate, including the reservation of easements and other rights on behalf of the United States.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established under this section, each conveyance of property under this section shall be subject to the condition that all right, title, and interest in the property shall immediately revert to the United States, if—

(A) the property, or any part of the property—

(i) ceases to be available and accessible to the public, on a reasonable basis, for educational, park, recreational, cultural, historic preservation, or other similar purposes specified for the property in the terms of conveyance;

(ii) ceases to be maintained in a manner that is consistent with its present or future use as a site for Coast Guard aids to navigation or compliance with this title; or

(iii) ceases to be maintained in a manner consistent with the conditions in paragraph (4) established by the Secretary pursuant to the National Historic Preservation Act (16 U.S.C. 470 et seq.); or

(B) at least 30 days before that reversion, the Secretary provides written notice to the owner that the property is needed for national security purposes.

(3) MAINTENANCE OF NAVIGATION FUNCTIONS.—Each conveyance of property under this section shall be made subject to the conditions that the Secretary considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the owner of the property may not interfere or allow interference in any manner with aids to navigation without express written permission from the Commandant;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the property conveyed as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of operating, maintaining and inspecting aids to navigation, and for the purpose of enforcing compliance with this subsection; and

(E) the United States shall have an easement of access to and across the property for

the purpose of maintaining the aids to navigation in use on the property.

(4) MAINTENANCE OF PROPERTY.—(A) Subject to subparagraph (B), the owner of a property conveyed under this section shall maintain the property in a proper, substantial, and workmanlike manner, and in accordance with any conditions established by the conveying authority pursuant to the National Historic Preservation Act (16 U.S.C. 470 et seq.), and other applicable laws.

(B) The owner of a property conveyed under this section is not required to maintain any active aid to navigation equipment on the property, except private aids to navigation permitted under section 83 of title 14, United States Code.

(c) SPECIAL TERMS AND CONDITIONS.—The Secretary may retain all right, title, and interest of the United States in and to any portion of any parcel referred to in subsection (a)(1)(B) that the Secretary considers appropriate.

(d) DEFINITIONS.—In this section:

(1) AIDS TO NAVIGATION.—The term “aids to navigation” means equipment used for navigation purposes, including a light, antenna, radio, sound signal, electronic navigation equipment, or other associated equipment which are operated or maintained by the United States.

(2) COMMANDANT.—The term “Commandant” means the Commandant of the Coast Guard.

(3) OWNER.—The term “owner” means, for a property conveyed under this section, the person identified in subsection (a)(1) of the property, and includes any successor or assign of that person.

(4) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

TITLE IV—OMNIBUS MARITIME IMPROVEMENTS

SEC. 401. SHORT TITLE.

This title may be cited as the “Omnibus Maritime and Coast Guard Improvements Act of 2002”.

SEC. 402. EXTENSION OF COAST GUARD HOUSING AUTHORITIES.

(a) HOUSING CONTRACTORS.—Section 681(a) of title 14, United States Code, is amended by inserting “, including a small business concern qualified under section 8(a) of the Small Business Act (15 U.S.C. 637(a)),” after “private persons”.

(b) BUDGET AUTHORITY LIMITATION.—Section 687(f) of title 14, United States Code, is amended by striking “\$20,000,000” and inserting “\$40,000,000”.

(c) DEMONSTRATION PROJECT.—Section 687 of title 14, United States Code, is amended by adding at the end the following new subsection:

“(g) DEMONSTRATION PROJECT AUTHORIZED.—To promote efficiencies through the use of alternative procedures for expediting new housing projects, the Secretary—

“(1) may develop and implement a Demonstration Project for acquisition or construction of military family housing and military unaccompanied housing at the Coast Guard installation at Kodiak, Alaska;

“(2) in implementing the Demonstration Project shall utilize, to the maximum extent possible, the contracting authority of the Small Business Administration’s section 8(a) program;

“(3) shall, to the maximum extent possible, acquire or construct such housing through contracts with small business concerns qualified under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) that have their principal place of business in the State of Alaska; and

“(4) shall report to Congress by September 1 of each year on the progress of activities under the Demonstration Project.”.

(d) EXTENSION.—Section 689 of title 14, United States Code, is amended by striking “2001” and inserting “2006”.

SEC. 403. INVENTORY OF VESSELS FOR CABLE LAYING, MAINTENANCE, AND REPAIR.

(a) INVENTORY.—The Secretary of Transportation shall develop, maintain, and periodically update an inventory of vessels that are documented under chapter 121 of title 46, United States Code, are 200 feet or more in length, and have the capability to lay, maintain, or repair a submarine cable, without regard to whether a particular vessel is classified as a cable ship or cable vessel.

(b) VESSEL INFORMATION.—For each vessel listed in the inventory, the Secretary shall include in the inventory—

(1) the name, length, beam, depth, and other distinguishing characteristics of the vessel;

(2) the abilities and limitations of the vessel with respect to the laying, maintaining, and repairing of a submarine cable; and

(3) the name and address of the person to whom inquiries regarding the vessel may be made.

(c) PUBLICATION.—The Secretary shall—

(1) not later than 60 days after the date of enactment of this Act, publish in the Federal Register a current inventory developed under subsection (a); and

(2) every six months thereafter, publish an updated inventory.

SEC. 404. VESSEL ESCORT OPERATIONS AND TOWING ASSISTANCE.

(a) IN GENERAL.—Except in the case of a vessel in distress, only a vessel of the United States (as that term is defined in section 2101 of title 46, United States Code) may perform the following vessel escort operations and vessel towing assistance within the navigable waters of the United States:

(1) Operation or assistance that commences or terminates at a port or place in the United States.

(2) Operation or assistance required by United States law or regulation.

(3) Operation provided in whole or in part for the purpose of escorting or assisting a vessel within or through navigation facilities owned, maintained, or operated by the United States Government or the approaches to such facilities, other than facilities operated by the St. Lawrence Seaway Development Corporation on the St. Lawrence River portion of the Seaway.

(b) DEFINITIONS.—In this section—

(1) the term “towing assistance” means operation by an assisting vessel in direct contact with an assisted vessel (including hull-to-hull, by towline, including if only pretethered, or made fast to that vessel by one or more lines) for purposes of exerting force on the assisted vessel to control, or to assist in controlling, the movement of the assisted vessel; and

(2) the term “escort operations” means accompanying a vessel for the purpose of providing towing or towing assistance to the vessel.

(c) PENALTY.—A person violating this section is liable to the United States Government for a civil penalty of not more than \$10,000 for each day during which the violation occurs.

SEC. 405. SEARCH AND RESCUE CENTER STANDARDS.

(a) IN GENERAL.—Title 14, United States Code, is amended by adding at the end of chapter 17 the following new section:

“§ 676. Search and rescue center standards

“(a) The Secretary shall establish, implement, and maintain the minimum standards necessary for the safe operation of all Coast Guard search and rescue center facilities, including with respect to the following:

“(1) The lighting, acoustics, and temperature in the facilities.

“(2) The number of individuals on a shift in the facility assigned search and rescue responsibilities (including communications), which may be adjusted based on seasonal workload.

“(3) The length of time an individual may serve on watch to minimize fatigue, based on the best scientific information available.

“(4) The scheduling of individuals having search and rescue responsibilities to minimize fatigue of the individual when on duty in the facility.

“(5) The workload of each individual engaged in search and rescue responsibilities in the facility.

“(6) Stress management for the individuals assigned search and rescue responsibilities in the facilities.

“(7) The design of equipment and facilities to minimize fatigue and enhance search and rescue operations.

“(8) Any other requirements that the Secretary believes will increase the safe operation of the search and rescue centers.

“(b) An individual on duty or watch in a Coast Guard search and rescue center facility, including a communications center, may not work more than 12 hours in a 24-hour period except in an emergency.”.

(b) APPLICATION.—Section 676(b) of title 14, United States Code (as enacted by subsection (a) of this section) shall apply beginning on July 1, 2002.

(c) PRESCRIPTION OF STANDARDS.—The Secretary shall prescribe the standards required under section 676(a) of title 14, United States Code, as enacted by subsection (a) of this section, before July 1, 2002.

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of title 14, United States Code, is amended by adding at the end the following:

“676. Search and rescue center standards.”.

SEC. 406. VHF COMMUNICATIONS SERVICES.

The Secretary of Transportation may authorize a person providing commercial VHF communications services to place commercial VHF communications equipment on real property under the administrative control of the Coast Guard (including towers) subject to any terms agreed to by the parties. The Secretary and that commercial VHF communications service provider also may enter into an agreement providing for VHF communications services to the Coast Guard (including digital selective calling and radio direction finding services) at a discounted rate or price based on providing such access to real property under the administrative control of the Coast Guard. Nothing in the section shall affect the rights or obligations of the United States under section 704(c) of the Telecommunications Act of 1996 (47 U.S.C. 332 note) with respect to the availability of property, or under section 359(d) of the Communications Act of 1934 (47 U.S.C. 357(d)) with respect to charges for transmission of distress messages.

SEC. 407. LOWER COLUMBIA RIVER MARITIME FIRE AND SAFETY ACTIVITIES.

There is authorized to be appropriated to the Secretary of Transportation not more than \$987,400 for lower Columbia River marine, fire, oil, and toxic spill response communications, training, equipment, and program administration activities conducted by the Maritime Fire and Safety Association, to remain available until expended.

SEC. 408. CONFORMING REFERENCES TO THE FORMER MERCHANT MARINE AND FISHERIES COMMITTEE.

(a) LAWS CODIFIED IN TITLE 14, UNITED STATES CODE.—(1) Section 194(b)(2) of title 14, United States Code, is amended by striking “Merchant Marine and Fisheries” and inserting “Transportation and Infrastructure”.

(2) Section 663 of title 14, United States Code, is amended by striking “Merchant Marine and Fisheries” and inserting “Transportation and Infrastructure”.

(3) Section 664 of title 14, United States Code, is amended by striking “Merchant Marine and Fisheries” and inserting “Transportation and Infrastructure”.

(b) LAWS CODIFIED IN TITLE 33, UNITED STATES CODE.—(1) Section 3(d)(3) of the International Navigational Rules Act of 1977 (33 U.S.C. 1602(d)(3)) is amended by striking “Merchant Marine and Fisheries” and inserting “Transportation and Infrastructure”.

(2) Section 5004(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2734(2)) is amended by striking “Merchant Marine and Fisheries” and inserting “Transportation and Infrastructure”.

(c) LAWS CODIFIED IN TITLE 46, UNITED STATES CODE.—(1) Section 6307 of title 46, United States Code, is amended by striking “Merchant Marine and Fisheries” and inserting “Transportation and Infrastructure”.

(2) Section 901g(b)(3) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1241k(b)(3)) is amended by striking “Merchant Marine and Fisheries” and inserting “Transportation and Infrastructure”.

(3) Section 913(b) of the International Maritime and Port Security Act (46 App. U.S.C. 1809(b)) is amended by striking “Merchant Marine and Fisheries” and inserting “Transportation and Infrastructure”.

SEC. 409. RESTRICTION ON VESSEL DOCUMENTATION.

Section 12108(a) of title 46, United States Code, is amended by—

(1) amending paragraph (2) to read as follows:

“(2) was built in the United States;”;

(2) striking “and” at the end of paragraph (3);

(3) inserting after paragraph (3) the following:

“(4) was not forfeited to the United States Government after July 1, 2001, for a breach of the laws of the United States; and”;

(4) redesignating paragraph (4) as paragraph (5).

SEC. 410. HYPOTHERMIA PROTECTIVE CLOTHING REQUIREMENT.

The Commandant of the Coast Guard shall ensure that all Coast Guard personnel are equipped with adequate safety equipment, including hypothermia protective clothing where appropriate, while performing search and rescue missions.

SEC. 411. RESERVE OFFICER PROMOTIONS.

(a) Section 729(i) of title 14, United States Code, is amended by inserting “on the date a vacancy occurs, or as soon thereafter as practicable, in the grade to which the officer was selected for promotion, or if promotion was determined in accordance with a running mate system,” after “grade”.

(b) Section 731(b) of title 14, United States Code, is amended by striking the period at the end of the sentence and inserting “; or in the event that promotion is not determined in accordance with a running mate system, then a Reserve officer becomes eligible for consideration for promotion to the next higher grade at the beginning of the promotion year in which he or she completes the following amount of service computed from the date of rank in the grade in which he or she is serving:

“(1) two years in the grade of lieutenant (junior grade);

“(2) three years in the grade of lieutenant;

“(3) four years in the grade of lieutenant commander;

“(4) four years in the grade of commander; and

“(5) three years in the grade of captain.”.

(c) Section 736(a) of title 14, United States Code, is amended by inserting “the date of

rank shall be the date of appointment in that grade, unless the promotion was determined in accordance with a running mate system, in which event” after “subchapter,”.

SEC. 412. REGULAR LIEUTENANT COMMANDERS AND COMMANDERS; CONTINUATION UPON FAILURE OF SELECTION FOR PROMOTION.

Section 285 of title 14, United States Code, is amended—

(1) by striking “Each officer” and inserting “(a) Each officer”; and

(2) by adding at the end the following new subsections:

“(b) A lieutenant commander or commander of the Regular Coast Guard subject to discharge or retirement under subsection (a) may be continued on active duty when the Secretary directs a selection board convened under section 251 of this title to continue up to a specified number of lieutenant commanders or commanders on active duty. When so directed, the selection board shall recommend those officers who in the opinion of the board are best qualified to advance the needs and efficiency of the Coast Guard. When the recommendations of the board are approved by the Secretary, the officers recommended for continuation shall be notified that they have been recommended for continuation and offered an additional term of service that fulfills the needs of the Coast Guard.

“(c)(1) An officer who holds the grade of lieutenant commander of the Regular Coast Guard may not be continued on active duty under subsection (b) for a period that extends beyond 24 years of active commissioned service unless promoted to the grade of commander of the Regular Coast Guard. An officer who holds the grade of commander of the Regular Coast Guard may not be continued on active duty under subsection (b) for a period that extends beyond 26 years of active commissioned service unless promoted to the grade of captain of the Regular Coast Guard.

“(2) Unless retired or discharged under another provision of law, each officer who is continued on active duty under subsection (b) but is not subsequently promoted or continued on active duty, and is not on a list of officers recommended for continuation or for promotion to the next higher grade, shall, if eligible for retirement under any provision of law, be retired under that law on the first day of the first month following the month in which the period of continued service is completed.”.

SEC. 413. RESERVE STUDENT PRE-COMMISSIONING ASSISTANCE PROGRAM.

(a) IN GENERAL.—Chapter 21 of title 14, United States Code, is amended by inserting after section 709 the following new section:

“§ 709a. Reserve student pre-commissioning assistance program

“(a) The Secretary may provide financial assistance to an eligible enlisted member of the Coast Guard Reserve, not on active duty, for expenses of the member while the member is pursuing on a full-time basis at an institution of higher education a program of education approved by the Secretary that leads to—

“(1) a baccalaureate degree in not more than five academic years; or

“(2) a post-baccalaureate degree.

“(b)(1) To be eligible for financial assistance under this section, an enlisted member of the Coast Guard Reserve must—

“(A) be enrolled on a full-time basis in a program of education referred to in subsection (a) at any institution of higher education; and

“(B) enter into a written agreement with the Coast Guard described in paragraph (2).

“(2) A written agreement referred to in paragraph (1)(B) is an agreement between the

member and the Secretary in which the member agrees—

“(A) to accept an appointment as a commissioned officer in the Coast Guard Reserve, if tendered;

“(B) to serve on active duty for up to five years; and

“(C) under such terms and conditions as shall be prescribed by the Secretary, to serve in the Coast Guard Reserve until the eighth anniversary of the date of the appointment.

“(c) Expenses for which financial assistance may be provided under this section are—

“(1) tuition and fees charged by the institution of higher education involved;

“(2) the cost of books;

“(3) in the case of a program of education leading to a baccalaureate degree, laboratory expenses; and

“(4) such other expenses as deemed appropriate by the Secretary.

“(d) The amount of financial assistance provided to a member under this section shall be prescribed by the Secretary, but may not exceed \$25,000 for any academic year.

“(e) Financial assistance may be provided to a member under this section for up to five consecutive academic years.

“(f) A member who receives financial assistance under this section may be ordered to active duty in the Coast Guard Reserve by the Secretary to serve in a designated enlisted grade for such period as the Secretary prescribes, but not more than four years, if the member—

“(1) completes the academic requirements of the program and refuses to accept an appointment as a commissioned officer in the Coast Guard Reserve when offered;

“(2) fails to complete the academic requirements of the institution of higher education involved; or

“(3) fails to maintain eligibility for an original appointment as a commissioned officer.

“(g)(1) If a member requests to be released from the program and the request is accepted by the Secretary, or if the member fails because of misconduct to complete the period of active duty specified, or if the member fails to fulfill any term or condition of the written agreement required to be eligible for financial assistance under this section, the financial assistance shall be terminated. The member shall reimburse the United States in an amount that bears the same ratio to the total cost of the education provided to such person as the unserved portion of active duty bears to the total period of active duty such person agreed to serve. The Secretary shall have the option to order such reimbursement without first ordering the member to active duty. An obligation to reimburse the United States imposed under this paragraph is for all purposes a debt owed to the United States.

“(2) The Secretary may waive the service obligated under subsection (f) of a member who is not physically qualified for appointment and who is determined to be unqualified for service as an enlisted member of the Coast Guard Reserve due to a physical or medical condition that was not the result of the member's own misconduct or grossly negligent conduct.

“(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of a written agreement entered into under subsection (b) does not discharge the individual signing the agreement from a debt arising under such agreement or under paragraph (1).

“(h) As used in this section, ‘institution of higher education’ has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).”

(b) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 21 of title 14, United States Code, is amended by adding the following new item after the item relating to section 709:

“709a. Reserve student pre-commissioning assistance program.”

SEC. 414. CONTINUATION ON ACTIVE DUTY BEYOND THIRTY YEARS.

Section 289 of title 14, United States Code, is amended by adding at the end the following new subsection:

“(h) Notwithstanding subsection (g) and section 288 of this title, the Commandant may by annual action retain on active duty from promotion year to promotion year any officer who would otherwise be retired under subsection (g) or section 288 of this title. An officer so retained, unless retired under some other provision of law, shall be retired on June 30 of that promotion year in which no action is taken to further retain the officer under this subsection.”

SEC. 415. PAYMENT OF DEATH GRATUITIES ON BEHALF OF COAST GUARD AUXILIARISTS.

Section 823a(b) of title 14, United States Code, is amended by inserting the following new paragraph following paragraph (8):

“(9) On or after January 1, 2001, Public Law 104-208, section 651.”

SEC. 416. ALIGN COAST GUARD SEVERANCE PAY AND REVOCATION OF COMMISSION AUTHORITY WITH DEPARTMENT OF DEFENSE AUTHORITY.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended—

(1) in section 281—

(A) by striking “three” in the section heading and inserting “five”; and

(B) by striking “three” in the text and inserting “five”;

(2) in section 283(b)(2)(A), by striking “severance” and inserting “separation”;

(3) in section 286—

(A) by striking “severance” in the section heading and inserting “separation”; and

(B) by striking subsection (b) and inserting the following:

“(b) An officer of the Regular Coast Guard who is discharged under this section or section 282, 283, or 284 of this title who has completed 6 or more, but less than 20, continuous years of active service immediately before that discharge or release is entitled to separation pay computed under subsection (d)(1) of section 1174 of title 10.

“(c) An officer of the Regular Coast Guard who is discharged under section 327 of this title, who has completed 6 or more, but less than 20, continuous years of active service immediately before that discharge or release is entitled to separation pay computed under subsection (d)(1) or (d)(2) of section 1174 of title 10 as determined under regulations promulgated by the Secretary.

“(d) Notwithstanding subsections (a) or (b), an officer discharged under chapter 11 of this title for twice failing of selection for promotion to the next higher grade is not entitled to separation pay under this section if the officer requested in writing or otherwise sought not to be selected for promotion, or requested removal from the list of selectees.”

(4) in section 286a—

(A) by striking “severance” in the section heading and inserting “separation” in its place; and

(B) by striking subsections (a), (b), and (c) and inserting the following:

“(a) A regular warrant officer of the Coast Guard who is discharged under section 580 of title 10, and has completed 6 or more, but less than 20, continuous years of active service immediately before that discharge is entitled to separation pay computed under subsection (d)(1) of section 1174 of title 10.

“(b) A regular warrant officer of the Coast Guard who is discharged under section 1165 or 1166 of title 10, and has completed 6 or more, but less than 20, continuous years of active service immediately before that discharge is entitled to separation pay computed under subsection (d)(1) or (d)(2) of section 1174 of title 10, as determined under regulations promulgated by the Secretary.

“(c) In determining a member's years of active service for the purpose of computing separation pay under this section, each full month of service that is in addition to the number of full years of service creditable to the member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.”; and

(5) in section 327—

(A) by striking “severance” in the section heading and inserting “separation”;

(B) by striking subsection (a)(2) and inserting in its place the following:

“(2) for discharge with separation benefits under section 286(c) of this title.”;

(C) by striking subsection (a)(3);

(D) by striking subsection (b)(2) and inserting in its place the following:

“(2) if on that date the officer is ineligible for voluntary retirement under any law, be honorably discharged with separation benefits under section 286(c) of this title, unless under regulations promulgated by the Secretary the condition under which the officer is discharged does not warrant an honorable discharge.”; and

(E) by striking subsection (b)(3).

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 11 of title 14, United States Code, is amended—

(1) in the item relating to section 281, by striking “three” and inserting “five” in its place; and

(2) in the item relating to section 286, by striking “severance” and inserting “separation” in its place;

(3) in the item relating to section 286a, by striking “severance” and inserting “separation” in its place; and

(4) in the item relating to section 327, by striking “severance” and inserting “separation” in its place.

(c) EFFECTIVE DATE.—The amendments made by paragraphs (2), (3), (4), and (5) of subsection (a) shall take effect four years after the date of enactment of this Act, except that subsection (d) of section 286 of title 14, United States Code, as amended by paragraph (3) of subsection (a) of this section shall take effect on enactment of this Act and shall apply with respect to conduct on or after that date. The amendments made to the table of sections of chapter 11 of title 14, United States Code, by paragraphs (2), (3), and (4) of subsection (b) of this section shall take effect four years after the date of enactment of this Act.

SEC. 417. LONG-TERM LEASE AUTHORITY FOR LIGHTHOUSE PROPERTY.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end a new section 672b to read as follows:

“§ 672b. Long-term lease authority for lighthouse property

“(a) The Commandant of the Coast Guard may lease to non-Federal entities, including private individuals, lighthouse property under the administrative control of the Coast Guard for terms not to exceed 30 years. Consideration for the use and occupancy of lighthouse property leased under this section, and for the value of any utilities and services furnished to a lessee of such property by the Commandant, may consist, in whole or in part, of non-pecuniary remuneration including, but not limited to, the improvement, alteration, restoration, rehabilitation, repair, and maintenance of the leased

premises by the lessee. Section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b) shall not apply to leases issued by the Commandant under this section.

“(b) Amounts received from leases made under this section, less expenses incurred, shall be deposited in the Treasury.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of title 14, United States Code, is amended by adding after the item relating to section 672 the following:

“672b. Long-term lease authority for light-house property.”

SEC. 418. MARITIME DRUG LAW ENFORCEMENT ACT AMENDMENTS.

(a) Section 3 of the Maritime Drug Law Enforcement Act (46 App. U.S.C. 1903) is amended—

(1) in subsection (c)(1)(D) by striking “and”;

(2) in subsection (c)(1)(E) by striking “United States.” and inserting “United States; and”; and

(3) by inserting after subsection (c)(1)(E) the following:

“(F) a vessel located in the contiguous zone of the United States, as defined in Presidential Proclamation 7219 of September 2, 1999, and (i) is entering the United States, (ii) has departed the United States, or (iii) is a hovering vessel as defined in 19 U.S.C. 1401(k).”

(b) The second section 3 of the Maritime Drug Law Enforcement Act (46 App. U.S.C. 1904) is amended—

(1) by inserting “(a)” before “Any property”; and

(2) by adding at the end the following:

“(b) Practices commonly recognized as smuggling tactics may provide prima facie evidence of intent to use a vessel to commit, or to facilitate the commission of, an offense under this chapter, and may support seizure and forfeiture of the vessel, even in the absence of controlled substances aboard the vessel. The following indicia, inter alia, may be considered, in the totality of the circumstances, to be prima facie evidence that a vessel is intended to be used to commit, or to facilitate the commission of an offense under this chapter:

“(1) The construction or adaptation of the vessel in a manner that facilitates smuggling, including—

“(A) the configuration of the vessel to ride low in the water or present a low hull profile to avoid being detected visually or by radar;

“(B) the presence of any compartment or equipment which is built or fitted out for smuggling, not including items such as a safe or lock-box reasonably used for the storage of personal valuables;

“(C) the presence of an auxiliary tank not installed in accordance with applicable law, or installed in such a manner as to enhance the vessel's smuggling capability;

“(D) the presence of engines that are excessively over-powered in relation to the design and size of the vessel;

“(E) the presence of materials used to reduce or alter the heat or radar signature of the vessel and avoid detection;

“(F) the presence of a camouflaging paint scheme, or of materials used to camouflage the vessel, to avoid detection; or

“(G) the display of false vessel registration numbers, false indicia of vessel nationality, false vessel name, or false vessel homeport.

“(2) The presence or absence of equipment, personnel, or cargo inconsistent with the type or declared purpose of the vessel.

“(3) The presence of excessive fuel, lube oil, food, water, or spare parts, inconsistent with legitimate vessel operation, inconsistent with the construction or equipment of the vessel, or inconsistent with the character of the vessel's stated purpose.

“(4) The operation of the vessel without lights during times lights are required to be displayed under applicable law or regulation, and in a manner of navigation consistent with smuggling tactics used to avoid detection by law enforcement authorities.

“(5) The failure of the vessel to stop or respond or heave to when hailed by government authority, especially where the vessel conducts evasive maneuvering when hailed.

“(6) The declaration to government authority of apparently false information about the vessel, crew, or voyage, or the failure to identify the vessel by name or country of registration when requested to do so by government authority.

“(7) The presence of controlled substance residue on the vessel, on an item aboard the vessel, or on a person aboard the vessel, of a quantity or other nature which reasonably indicates manufacturing or distribution activity.

“(8) The use of petroleum products or other substances on the vessel to foil the detection of controlled substance residue.

“(9) The presence of a controlled substance in the water in the vicinity of the vessel, where given the currents, weather conditions, and course and speed of the vessel, the quantity or other nature is such that it reasonably indicates manufacturing or distribution activity.”

SEC. 419. WING-IN-GROUND CRAFT.

(a) Section 2101(35) of title 46, United States Code, is amended by inserting “a wing-in-ground craft, regardless of tonnage, carrying at least one passenger for hire, and” after the phrase “‘small passenger vessel’ means”.

(b) Section 2101 of title 46, United States Code, is amended by adding at the end the following:

“(48) wing-in-ground craft means a vessel that is capable of operating completely above the surface of the water on a dynamic air cushion created by aerodynamic lift due to the ground effect between the vessel and the water's surface.”

SEC. 420. ELECTRONIC FILING OF COMMERCIAL INSTRUMENTS FOR VESSELS.

Section 31321(a)(4) of title 46, United States Code, is amended—

(1) by striking “(A)”; and

(2) by striking subparagraph (B).

SEC. 421. DELETION OF THUMBPRINT REQUIREMENT FOR MERCHANT MARINERS' DOCUMENTS.

Section 7303 of title 46, United States Code, is amended by striking “the thumbprint.”

SEC. 422. TEMPORARY CERTIFICATES OF DOCUMENTATION FOR RECREATIONAL VESSELS.

(a) Section 12103(a) of title 46, United States Code, is amended by inserting “, or a temporary certificate of documentation,” after “certificate of documentation”.

(b)(1) Chapter 121 of title 46, United States Code, is amended by adding after section 12103 the following:

“§ 12103a. Issuance of temporary certificate of documentation by third parties

“(a) The Secretary of Transportation may delegate, subject to the supervision and control of the Secretary and under terms set out by regulation, to private entities determined and certified by the Secretary to be qualified, the authority to issue a temporary certificate of documentation for a recreational vessel, if the applicant for the certificate of documentation meets the requirements set out in sections 12102 and 12103 of this chapter.

“(b) A temporary certificate of documentation issued under section 12103(a) and subsection (a) of this section is valid for up to 30 days from issuance.”

(2) The table of sections at the beginning of chapter 121 of title 46, United States Code, is

amended by inserting after the item relating to section 12103 the following:

“12103a. Issuance of temporary certificate of documentation by third parties.”

SEC. 423. MARINE CASUALTY INVESTIGATIONS INVOLVING FOREIGN VESSELS.

Section 6101 of title 46, United States Code, is amended—

(1) by redesignating the second subsection (e) as subsection (f); and

(2) by adding at the end the following new subsection:

“(g) To the extent consistent with generally recognized practices and procedures of international law, this part applies to a foreign vessel involved in a marine casualty or incident, as defined in the International Maritime Organization Code for the Investigation of Marine Casualties and Incidents, where the United States is a Substantially Interested State and is, or has the consent of, the Lead Investigating State under the Code.”

SEC. 424. CONVEYANCE OF COAST GUARD PROPERTY IN HAMPTON TOWNSHIP, MICHIGAN.

(a) REQUIREMENT TO CONVEY.—

(1) IN GENERAL.—Notwithstanding any other law, the Secretary of Transportation (in this section referred to as the “Secretary”) shall convey to BaySail, Inc. (a non-profit corporation established under the laws of the State of Michigan; in this section referred to as “BaySail”), without monetary consideration, all right, title, and interest of the United States in and to property adjacent to Coast Guard Station Saginaw River, located in Hampton Township, Michigan, as identified under paragraph (2). No submerged lands may be conveyed under this section.

(2) IDENTIFICATION OF PROPERTY.—The Secretary, in consultation with the Commandant of the Coast Guard, shall identify, describe, and determine the property to be conveyed under this section.

(3) SURVEY.—The exact acreage and legal description of the property conveyed under paragraph (1), as identified under paragraph (2), and any easements or rights-of-way reserved by the United States under subsection (b), shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by BaySail.

(b) TERMS AND CONDITIONS OF CONVEYANCE.—The conveyance of property under this section shall be made subject to any terms and conditions the Secretary considers necessary, including the reservation of easements and other rights on behalf of the United States.

(c) REVERSIONARY INTEREST.—

(1) IN GENERAL.—During the 5-year period beginning on the date the Secretary makes the conveyance authorized by subsection (a), the real property conveyed pursuant to this section, at the option of the Secretary, shall revert to the United States and be placed under the administrative control of the Secretary, if—

(A) BaySail sells, conveys, assigns, exchanges, or encumbers the property conveyed or any part thereof;

(B) BaySail fails to maintain the property conveyed in a manner consistent with the terms and conditions under subsection (b);

(C) BaySail conducts any commercial activity at the property conveyed, or any part thereof, without approval of the Secretary; or

(D) at least 30 days before the reversion, the Secretary provides written notice to the owner that the property or any part thereof is needed for national security purposes.

(2) ADDITIONAL PERIOD.—The Secretary may, before the completion of the 5-year period described in paragraph (1), authorize an

additional 5-year period during which paragraph (1) shall apply.

SEC. 425. CONVEYANCE OF PROPERTY IN TRAVERSE CITY, MICHIGAN.

Section 1005(c) of the Coast Guard Authorization Act of 1996 (110 Stat. 3957) is amended by striking “the Traverse City Area Public School District” and inserting “a public or private nonprofit entity for an educational or recreational purpose”.

SEC. 426. ANNUAL REPORT ON COAST GUARD CAPABILITIES AND READINESS TO FULFILL NATIONAL DEFENSE RESPONSIBILITIES.

Not later than February 15 each year, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report, prepared in conjunction with the Commandant of the Coast Guard, setting forth the capabilities and readiness of the Coast Guard to fulfill its national defense responsibilities.

SEC. 427. EXTENSION OF AUTHORIZATION FOR OIL SPILL RECOVERY INSTITUTE.

Section 5001(i) of the Oil Pollution Act of 1990 (33 U.S.C. 2731(i)) is amended by striking “10 years” and all that follows through the end of the sentence and inserting “September 30, 2012.”.

SEC. 428. MISCELLANEOUS CERTIFICATES OF DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for each of the following vessels:

- (1) LAUDERDALE LADY (United States official number 1103520).
- (2) SOVEREIGN (United States official number 1028144).
- (3) CALEDONIA (United States official number 679530).

SEC. 429. ICEBREAKING SERVICES.

The Commandant of the Coast Guard shall not plan, implement, or finalize any regulation or take any other action which would result in the decommissioning of any WYTL-class harbor tugs unless and until the Commandant certifies in writing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, that sufficient replacement capability has been procured by the Coast Guard to remediate any degradation in current icebreaking services that would be caused by such decommissioning.

SEC. 430. FISHING VESSEL SAFETY TRAINING.

(a) IN GENERAL.—The Commandant of the Coast Guard may provide support, with or without reimbursement, to an entity engaged in fishing vessel safety training including—

- (1) assistance in developing training curricula;
- (2) use of Coast Guard personnel, including active duty members, members of the Coast Guard Reserve, and members of the Coast Guard Auxiliary, as temporary or adjunct instructors;
- (3) sharing of appropriate Coast Guard informational and safety publications; and
- (4) participation on applicable fishing vessel safety training advisory panels.

(b) NO INTERFERENCE WITH OTHER FUNCTIONS.—In providing support under subsection (a), the Commandant shall ensure that the support does not interfere with any Coast Guard function or operation.

SEC. 431. LIMITATION ON LIABILITY OF PILOTS AT COAST GUARD VESSEL TRAFFIC SERVICES.

(a) IN GENERAL.—Chapter 23 of title 46, United States Code, is amended by adding at the end the following:

“§2307. Limitation of liability for Coast Guard Vessel Traffic Service pilots

“Any pilot, acting in the course and scope of his or her duties while at a United States Coast Guard Vessel Traffic Service, who provides information, advice, or communication assistance while under the supervision of a Coast Guard officer, member, or employee shall not be liable for damages caused by or related to such assistance unless the acts or omissions of such pilot constitute gross negligence or willful misconduct.”.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 23 of title 46, United States Code, is amended by adding at the end the following:

“§2307. Limitation of liability for Coast Guard Vessel Traffic Service pilots.”.

SEC. 432. ASSISTANCE FOR MARINE SAFETY STATION ON CHICAGO LAKEFRONT.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Transportation may use amounts authorized under this section to provide financial assistance to the City of Chicago, Illinois, to pay the Federal share of the cost of a project to demolish the Old Coast Guard Station, located at the north end of the inner Chicago Harbor breakwater at the foot of Randolph Street, and to plan, engineer, design, and construct a new facility at that site for use as a marine safety station on the Chicago lakefront.

(b) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of a project carried out with assistance under this section may not exceed one third of the total cost of the project or \$2,000,000, whichever is less.

(2) NON-FEDERAL SHARE.—There shall not be applied to the non-Federal share of a project carried out with assistance under this section—

(A) the value of land and existing facilities used for the project; and

(B) any costs incurred for site work performed before the date of the enactment of this Act, including costs for reconstruction of the east breakwater wall and associated utilities.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to the other amounts authorized by this Act, for providing financial assistance under this section there is authorized to be appropriated to the Secretary of Transportation \$2,000,000 for fiscal year 2002, to remain available until expended.

SEC. 433. TONNAGE MEASUREMENT FOR PURPOSES OF ELIGIBILITY OF CERTAIN VESSELS FOR FISHERY ENDORSEMENT.

Section 12102(c)(5) of title 46, United States Code, is amended by striking “of more than 750 gross registered tons” and inserting “of more than 750 gross tons as measured under chapter 145 or 1900 gross tons as measured under chapter 143”.

SEC. 434. EXTENSION OF TIME FOR RECREATIONAL VESSEL AND ASSOCIATED EQUIPMENT RECALLS.

Section 4310(c) of title 46, United States Code, is amended—

(1) in paragraph (2)(A) and (B) by striking “5” each place it appears and inserting “10”; and

(2) in paragraph (1)(A), (B), and (C) by inserting “by first class mail or” before “by certified mail”.

TITLE V—AUTHORIZATION OF APPROPRIATIONS FOR THE COAST GUARD

SEC. 501. SHORT TITLE.

This title may be cited as the “Coast Guard Authorization Act for Fiscal Year 2002”.

SEC. 502. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for fiscal year 2002 for necessary expenses of the Coast Guard, as follows:

(1) For the operation and maintenance of the Coast Guard, \$4,205,838,000, of which—

(A) \$25,000,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990;

(B) \$5,500,000 is authorized to be available for the commercial fishing vessel safety program; and

(C) \$623,000,000 is authorized to be available for domestic maritime homeland security.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$717,823,000, of which—

(A) \$20,000,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990;

(B) \$58,500,000 is authorized to be available for domestic maritime homeland security vessels and detection equipment; and

(C) \$338,000,000 is authorized to be available to implement the Coast Guard's Integrated Deepwater System.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$21,722,000, to remain available until expended, of which \$3,500,000 is authorized to be derived each fiscal year from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$876,346,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, \$15,466,000, to remain available until expended, of which \$1,750,000 may be available for a new Chelsea Street bridge in Boston, Massachusetts.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), \$16,927,000, to remain available until expended.

SEC. 503. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 44,000 as of September 30, 2002.

(b) MILITARY TRAINING STUDENT LOADS.—The Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training for fiscal year 2002, 1,500 student years.

(2) For flight training for fiscal year 2002, 125 student years.

(3) For professional training in military and civilian institutions for fiscal year 2002, 300 student years.

(4) For officer acquisition for fiscal year 2002, 1,000 student years.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. LOBIONDO) and the

gentlewoman from Florida (Ms. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. LOBIONDO).

Mr. LOBIONDO. Madam Speaker, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG), the chairman of the full committee.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Madam Speaker, I rise in strong support of the Maritime Transportation Anti-terrorism Act of 2002; but I would also like to rise in appreciation for the chairman, the gentleman from New Jersey (Mr. LOBIONDO) for the work that he has done on this legislation, to the gentlewoman from Florida (Ms. BROWN) for her work on this legislation.

Madam Speaker, I would suggest respectfully that this is about the best we can do at this time. It is badly needed, but I would also like to suggest that we have to make sure as we pass this legislation that the intent of what we are trying to do is implemented and does not go far beyond what we are suggesting in this legislation.

It is crucially important that our ports are protected, and we must protect them without interfering with commerce, and we will do so. One of goals of this legislation is to make sure that we will have the ability to not only look at what is on our ships, what is inside our containers, but also the crews of those ships and those that work within our ports.

I would also like to suggest that a port is a likely target and we have to accept that fact. The disruption that would occur, the damage that would happen, the interference with our commerce, lord only knows how much devastation would occur. This bill is a step in the right direction. But, again, I must suggest, Madam Speaker, that what we do here is not necessarily the end result. It is the result of what the agencies do and how they work together.

I want to suggest respectfully that those agencies that have the responsibility, TSA, Immigration, Customs, et cetera, have a responsibility to work together and to share information together so we can make sure that we have a secure port system within our Nation. I hope the American people realize that this is an attempt to make sure that no ports will suffer what happened on September 11, that we will protect our constituencies, we will protect our trade, we will protect this great United States with this legislation.

Ms. BROWN of Florida. Madam Speaker, I yield myself such time as I may consume. Madam Speaker, I rise today in strong support of H.R. 3983, the Maritime Transportation Anti-Terrorism Act of 2002.

The events of September 11, 2001 have changed America forever. Every committee in Congress is examining the

programs and policies within its jurisdiction to determine what they need to do to help protect the United States from terrorist acts. I just returned from a trip with the gentleman from Pennsylvania (Mr. WELDON). We traveled to Russia, China and Korea, and in every single country I brought up the issue of port security. We are working hard to protect our ports and waterways, but we will not be able to do that without protecting and looking into the port of origin.

Each year 95 percent of the United States' imports and exports are moved by ships. U.S. consumers are dependent upon foreign oils for their gas in their cars. U.S. manufacturers are dependent on the just-in-time delivery system of container ships to resupply their manufacturing line. Each year thousands of Americans enjoy cruises out of the ports of my home State of Florida.

On October 3, 2001, I introduced H.R. 3013, the Port and Maritime Security Act of 2001. This legislation is very similar to S.1214 which passed the Senate in December. H.R. 3983 is similar to the approach contained in H.R. 3013. They both require assessments of our Nation's ports. They both require terminal security plans, and they both establish a new grant system to help ports and terminal operators to pay for security improvements.

I believe that H.R. 3983 will lead to a significant improvement in securing the international maritime transportation system from threat of terrorists and from being used to deliver a weapon of mass destruction to the United States.

In addition, H.R. 3983 contains the text of H.R. 3507, the Coast Guard Authorization Act for fiscal year 2002. This noncontroversial legislation passed the House on December 20. The leadership has added it to H.R. 3983 in order to facilitate a conference with the Senate with these matters. I fully support the inclusion of H.R. 3507. To me, the Coast Guard is homeland security, and I am glad to see that we are getting closer to providing them the resources they need to do their job. Working together with Customs and other agencies, we can begin to move forward in protecting our ports and waterways.

I would like to thank the gentleman from Alaska (Mr. YOUNG), the gentleman from New Jersey (Mr. LOBIONDO), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) for the bipartisan efforts they have used to develop this legislation. I look forward to working closely with all of them as this bill moves into conference.

Madam Speaker, I urge my colleagues to support H.R. 3983.

Madam Speaker, I reserve the balance of my time.

Mr. LOBIONDO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 3983, the Maritime Trans-

portation Anti-Terrorism Act of 2002. This bill establishes a comprehensive national system to increase anti-terrorism security for our ports and waterways. This legislation was developed to prevent a terrorist attack along our Nation's largest and perhaps our most vulnerable border.

Consisting of 95,000 miles of coastline with hundreds of ports, the United States' maritime industry contributes in excess of \$742 billion to the gross domestic product each year. The goal of H.R. 3983 is to deter terrorist attacks against ocean shipping without adversely affecting the flow of U.S. commerce through our ports.

This bill is the second transportation security bill reported by the Committee on Transportation and Infrastructure. H.R. 3983 was developed in a bipartisan manner in close cooperation with the gentleman from Minnesota (Mr. OBERSTAR) and the gentlewoman from Florida (Ms. BROWN) and their staffs in response to the terrorists' threats to our ports and waterways. I appreciate their hard work in support for this important piece of legislation and thank them for the strong cooperation we have received during this bill.

H.R. 3983 requires the Coast Guard to conduct vulnerability assessments of U.S. ports. The results of the assessments will be used to implement a national maritime transportation planning system consisting of a comprehensive national plan, specific area plans, as well as local vessel and marine facility plans, all tailored to deter a catastrophic terrorist event to the greatest extent possible.

H.R. 3983 also establishes a requirement for the Coast Guard to assess the effectiveness of security systems in certain foreign ports and to deny entry to vessels from foreign ports that do not maintain effective security.

Under H.R. 3983, individuals who enter secure areas on vessels or facilities will be required to have transportation security cards issued by the Secretary of the Transportation. The Secretary may only deny transportation security cards to an individual found to be a terrorist security risk.

The Maritime Transportation Anti-Terrorism Act authorizes \$83 million annually in grants for enhanced facility security at U.S. ports for the next three fiscal years. These grants will help cover the cost of port anti-terrorism improvement and fund proof-of-concept projects to determine which technologies will improve port security the best.

Shipping containers are particularly adaptable to use by terrorists, and H.R. 3983 contains several provisions to include the security of containers. The bill requires the Under Secretary of Transportation to maintain a cargo tracking identification and screening system for shipping containers shipped to and from the United States directly through a foreign port. H.R. 3983 also requires the Secretary of Transportation to establish performance standards to enhance the physical security

of shipping containers, including standards for container seals and locks.

Madam Speaker, this bill contains other important security enhancements concerning vessel crew and passenger manifests, Coast Guard sea marshals, vessel transponders, to track the movement of vessels in the United States water, and some other measures.

The committee amended H.R. 3983 to contain several additional security enhancements and other Coast Guard provisions previously passed by the House. The Coast Guard, as one of the Nation's five armed services, has a key role in homeland security, particularly as it relates to port security and defense readiness. These provisions strengthen the authority of the Coast Guard and the Department of Transportation to confront the terrorist threat that is facing us today.

Strong maritime homeland security requires a strong Coast Guard with the resources it needs to protect our Nation from the terrorist attack. The Coast Guard has proven to have done a magnificent job throughout our Nation's history, but we are all particularly proud of the job they have done since September 11, starting on that fateful day where they oversaw the evacuation of over a million people from Lower Manhattan. The Coast Guard can do their job in an exceptional way if we give them the resources necessary, the manpower, the operating dollars and the assets to do this job.

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This bill will help us along that way. I urge all Members to support this important piece of legislation.

Madam Speaker, I reserve the balance of my time.

Ms. BROWN of Florida. Madam Speaker, I yield as much time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member.

(Mr. OBERSTAR asked and was given permission to revise and extend his remarks.)

Mr. OBERSTAR. Madam Speaker, I thank the gentlewoman for yielding me the time.

Enactment of this Maritime Transportation Security Act, otherwise known as the Port Security bill, will close another hole in the security network of the United States, and a critical one.

We have already dealt effectively with aviation security, and implementation of provisions of that legislation is well underway; but we have 95,000 miles of coastline in the United States. Ninety-five percent of the volume of U.S. international trade, both inbound and outbound, comes by the water. We have to protect that coastline and our ports.

Our ports are major cities. Most of our cities were ports before they were cities. America has grown up around the water; 75 percent of the population

of this Nation lives along the water, either the inland waterways or the coastal regions of the United States, including the Great Lakes; but we have not adequately protected our ports and our major cities against terrorist attacks.

This legislation will move us in the right direction. It will create the processes by which the Coast Guard is the preeminent entity in protecting America's coastline, will take the steps, the inspections, set up the processes by which we will protect America's waterways, our ports, our coastal regions. But as in aviation security, there must be a continuum of security protection that will start with the shipper, with the product that is being shipped to the United States. It must be inspected. We must know what it is before it goes into the container and before that container goes on board a ship; and after it arrives in the United States, it must be again inspected to be sure that what was put on board the ship is actually what comes off that ship.

We have learned in aviation safety that there must be redundancy and overlapping systems that protect aviation safety, that make flying as safe as we know it; and so in security there must be an interlocking web of protective measures that begin from the origin of the shipment to its destination.

That is what we must provide in this legislation here and in the conference to come, as the chairman said. When we get this bill through conference, we want to make sure that it is the strongest protective measure that we can provide for our fellow citizens, not just those in the coastal regions but those in the inland cities to which cargo is destined.

I compliment the chairman of the full committee for working together with us on the minority side, the gentleman from New Jersey (Mr. LOBIONDO), the chairman of the subcommittee, and the gentlewoman from Florida (Ms. BROWN), our ranking member on the subcommittee. Members have worked hard. Staff have worked hard. We have worked cooperatively in the best national interest to produce the best bill that we can foresee. I urge its enactment. I urge its passage.

Madam Speaker, I rise today in strong support of H.R. 3983, the "Maritime Transportation Antiterrorism Act of 2002". Last fall, Congress enacted critical legislation to help protect the aviation industry from terrorist attacks. Today, we move forward on legislation to help secure U.S. ports, vessels, and our intermodal transportation system from terrorist attack.

There are more than 95,000 miles of coastline in the United States. Over 6 million shipping containers arrive in the United States each year from foreign ports carrying goods that are vital for consumers and manufacturers. Virtually all of the oil imported into the United States arrives by ship. We are a nation dependent upon international shipping.

Yet this transportation system can also be used as a means of delivering a weapon of mass destruction to the heartland of America.

It would be far easier for a country to put a nuclear bomb in a container and ship it to the United States and have it detonated by a Global Positioning System receiver, than it would be to build a missile system to deliver a nuclear warhead.

The task of securing America's seaports and the cargo we import against terrorist attack is a daunting task. One only has to look at the volume of illegal drugs imported each year by sea to see just how porous our borders are. However, it is a challenge we must address.

H.R. 3983 is modeled on the successfully implemented Oil Pollution Act of 1990 (OPA). OPA established a strong command and control system for emergencies. It clarified that there is ultimately one person to make the decision on how to clean up an oil spill, the Coast Guard on-scene coordinator. H.R. 3983 establishes a similar system to develop and implement plans to deter terrorist attacks on our ports, and on vessels operating in and out of our ports.

However, protecting the United States must begin overseas. By the time that a weapon of mass destruction in a container is delivered to a U.S. port on a ship it is too late. We must begin profiling and screening containers overseas—before cargo is loaded on a ship. H.R. 3983 requires shippers, carriers, and freight forwarders to provide the Transportation Security Administration with information on container contents, the inland truck and rail carriers, the consignee, and other information needed to analyze whether the container may pose a risk to the United States. This information must be provided at least 24 hours before the container is loaded on a ship bound for the United States. That will give our agencies sufficient time to profile the container and work with the foreign government to screen its contents, if that is necessary.

H.R. 3983 also helps protect our marine terminals by establishing a transportation security card system for those individuals that have "unescorted access" to marine facilities. The Department of Transportation currently envisions four levels of security access that can be granted by the card. Level 1 Access simply identifies a person as someone who can have unescorted access to the unsecured areas of a terminal. A Level 4 Access means a person has had a security background check to ensure that he or she is not a "terrorist security threat" and, therefore, that person may have access to areas in a terminal that could cause a catastrophic emergency. On vessels such as a passenger vessel, the bridge and engine room areas may also be designated as a secure area, to ensure that passengers do not try to take control of the vessel.

H.R. 3983 also contains the text of H.R. 3507, the Coast Guard Authorization Act for Fiscal Year 2002, which was passed by the House on December 20, 2001, under Suspension of the Rules. I am hopeful that this will allow the House and Senate to reach an agreement on a current authorization bill for the Coast Guard.

I would like to commend Chairman YOUNG, Subcommittee Chairman LOBIONDO, and Subcommittee Ranking Member BROWN for the cooperative effort that they have put forth to develop bipartisan port security legislation. Together, we will succeed in having meaningful legislation enacted this session to improve the security of the marine transportation system from terrorist attacks.

I urge my colleagues to support the bill.

Ms. HARMAN. Madam Speaker, as the representative of the Port of Los Angeles, the nation's busiest container port with more than 5.183 million container shipments last year, I rise in strong support of H.R. 3983, the Maritime Transportation Antiterrorism Act.

The attacks of September 11 underscored the vulnerability of our ports to potential acts of terrorism. The sheer volume of goods shipped in containers, their unsecure ports of origin, the volatility of many of the goods stored at ports, and the wide expanses which comprise our posts present terrorists with targets and conduits for terror and local officials and law enforcement with formidable challenges.

Given this threat, I first want to say how impressed I was at the speed with which the maritime agencies of our federal, state and local governments responded following September 11.

The women and men of the Coast Guard, Customs, INS, LA and San Pedro Police, the LA County Sheriff, Port Police, National Guard, reservists and auxiliary personnel, and other emergency responders demonstrated their coolness and professionalism in securing the Port of Los Angeles.

They showed unprecedented coordination and courage and, on behalf of the community, I want to extend a "thank you for a job well done". I would also like to give a very special acknowledgement to the leadership of Coast Guard Captain John Holmes, captain of the Port of Los Angeles/Long Beach.

The bill before us provides much-needed resources to the work of these first responders.

In addition to requiring new vulnerability assessments at our ports, the bill also requires the imposition of new transportation security cards for workers with access to secure areas at ports. I compliment the chairman and ranking member for working with maritime labor to ensure that background checks used in issuing the security cards target true risks and I echo the view that any information collected on workers be used solely for security purposes.

The bill also includes several provisions designed to reduce the ability of terrorist to use cargo containers to smuggle terrorists or weapons into the US. In particular, the bill requires security assessments at foreign ports.

But I want also to highlight container security and the need for effective supply chain security measures. Though not addressed in this bill, it is increasingly evident that supply chain security is critical to ensuring that the contents of container cargo are not tampered with during shipment.

Shipment, of course, does not begin with the placing for a container aboard a vessel but, rather with it being loaded—something that often occurs in another country far from the port of embarkation to the United States.

The bill requires the Transportation Department to develop performance standards for

improving the physical security of containers, which should go well beyond seals and locks and include supply chain security. Some innovative tracking and detection technologies are under development and incorporating them in containers will further secure both cargo and our ports.

Madam Speaker, I strongly support this bill. It takes important steps in helping us secure our ports in the fight against terrorism.

The key factor to improved security is the dedication and hard work of thousands of workers employed in and around our ports. From the federal agencies involved to state and local law enforcement, port officials, vessel operators and crew, shippers, dock workers and truckers—security begins with their continued vigilance and I commend them for a job well done and am proud to help provide them with more tools to continue the job.

Mr. LARSEN of Washington. Madam Speaker, I rise in support of H.R. 3983, the Maritime Transportation Anti-terrorism Act.

In the wake of September 11th we must ensure that we are showing vigilance on the topic of port security. Any attacks on our ports could cripple the country economically and disrupt our nation's trade.

Ports serve our key national interests by facilitating the flow of trade and supporting the mobilization and deployment of U.S. Armed Forces. 95% of overseas international trade enters or exits through our nation's ports. In the next twenty years, the amount of trade going through our ports is expected to double. Ports must continue to update and modernize their facilities, not only to accommodate this growth but to preserve their safety and security.

While I do support this legislation, I am concerned that it does not fully address meaningful container security. I believe that H.R. 3983 should mandate that port workers who receive containers inspect the outside seal on each container and that it require mandatory inspection for "empty" containers, which regularly move on and off ships each day.

I am proud to represent the Ports of Everett and Bellingham, both of which greatly contribute to the economic vitality of my district. Their presence makes port security an especially important issue to my constituents and myself. Again, Madam Speaker, I support H.R. 3983 and look forward to its speedy passage.

Mr. SHAW. Madam Speaker, I rise in support of this legislation, which represents the next crucial step in improving America's transportation security. This bill coordinates various federal law enforcement efforts with local port authorities, provides better communications, and helps pay for technology upgrades and other security infrastructure at our ports.

This legislation is of particular importance to the 14 publicly owned deepwater seaports in the State of Florida, including Port Everglades, Port of Palm Beach, and Port of Miami in South Florida. The challenge of protecting against potential threats to security in Florida

is unique due to the state's extensive coastline, vigorous international trade, and passenger cruise activities. Our geography dictates that we must be prepared as a front-line homeland defense point against terrorism, as well as illegal immigration, and drug trafficking.

Florida seaports represent some of the busiest bulk cargo and container ports in the nation, and improved security at our seaports is critical for protection of the state's citizens and millions of visitors, as well as the state's continued economic vitality.

The threat of terrorism and other crimes to Florida seaports has already been documented by the State of Florida as well as each of the Florida seaports. A 1999 state-commissioned study found that the Florida ports are highly vulnerable and recommended comprehensive seaport security plans at each Florida seaport. In 2000, the State of Florida enacted legislation mandating that such plans be undertaken.

As the Chairman of the Florida Congressional delegation, I am pleased that this bill does not penalize the Florida ports that have been pro-active in taking the necessary steps to improve security. A shining example of such a port is Port Everglades in my district. Even before September 11, Port Everglades had laid out a comprehensive security improvement plan. Since that day, the port has expedited its efforts, turning a 48 month plan to improve security into an impressive, 12 month, \$25 million plan that is now halfway completed.

As one of the first House members to introduce seaport security legislation, and the sponsor of the companion to the bill that passed the Senate, I am gratified that the House is taking up this critically important issue. I would like to thank Chairman YOUNG for all his hard work to this point and I look forward to working with him further as we begin discussions with the other chamber. I urge my colleagues to support the bill.

Mr. GOSS. Madam Speaker, the United States has always been fortunate in its history to have two large oceans separating it from many of the troubles that exist elsewhere in the world. This has meant that until recently, the American Homeland had been protected from foreign hostilities for the better part of two centuries. However, the rise of global commerce in combination with a new type of foreign enemy now threatens to undermine this blissful pax americana. The United States has 95,000 miles of open shoreline. Along this breadth of shoreline are located 361 ports and into them pours six million marine containers annually. The scale of the shipping industry is simply stunning. Unfortunately, on any one of these ships or in any of the containers may be unexpected stowaways with deadly plans or weapons. Representing a coastal district in southwest Florida, I know first hand that the Coast Guard does a heroic job of watching

over our borders. But they need help and they need it now. H.R. 3983 is a good first step in this direction. The bill requires that the Secretary of Transportation do a comprehensive review of our vulnerabilities and prepare plans to reduce risk of attack. Further, the bill requires a plan to better coordinate Federal, state, and local efforts in the prevention of maritime terrorism.

I urge my colleagues to support this legislation that will help to better protect our Nation's shoreline and ports.

Mrs. BIGGERT. Madam Speaker, I rise today in support of H.R. 3983, the Maritime Transportation Antiterrorism Act.

I also rise to thank Chairman YOUNG, Coast Guard and Maritime Transportation Subcommittee Chairman LOBIONDO, and the subcommittee staff for all their hard work on this bill.

In June of 2001, they agreed to work with the U.S. Coast Guard, the State of Illinois, the City of Chicago, and me on the project to improve safety and security along Chicago's lakefront. Needless to say, this project became significantly more important after the events of September 11th.

Thanks to the committee's cooperation and assistance, this bill authorizes funding for the construction of a Marine Safety Station on Chicago's lakefront.

This new Chicago Safety Station will house resources and personnel of the U.S. Coast Guard, the Chicago Marine Police, and the Illinois Department of Natural Resources Conservation Police. With Coast Guard, state, and city resources stretched thin by the need for heightened security in Chicago and other U.S. ports, this project will significantly improve public safety and law enforcement efforts in one of the busiest recreational areas in the country.

On behalf of the City of Chicago, the State of Illinois, and all of us who enjoy Chicago's lakefront, I again want to thank the Chairman for working with me to bring this project to fruition.

Mr. BENTSEN. Madam Speaker, I rise today in support of H.R. 3983, the Maritime Transportation Antiterrorism Act of 2002. I commend the work of the House Transportation Committee on port security, but I also want to clearly state that much more remains to be done to secure our coastal areas from maritime threats. As a representative of a district that includes parts of the Port of Houston, the nation's 2nd largest port, I am proud that this House has set aside jurisdictional squabbles and is taking this important action.

First, H.R. 3983 directs the Department of Transportation to conduct security assessments at every one of the nation's 361 seaports. The legislation authorizes \$225 million in grants through 2005 to enhance port security. I would note that the Senate has passed port security legislation with a \$1.1 billion grant program, and I support increasing the House number significantly in conference committee.

Central to H.R. 3983 is the provision directing the newly created Transportation Security Administration (TSA) to develop an identification and screening system for maritime cargo entering the United States. Currently the official papers accompanying cargo manifests are rampantly inaccurate, and I believe Congress needs to remain vigilant after the passage of this legislation to ensure that the TSA does, in

fact, develop an effective system. Interests do exist that desire the least amount of accountability for international cargo, and they must not be allowed to derail TSA's regulatory action directed by this legislation.

In the end, I do not believe that it makes much difference whether the development of a cargo container tracking system is undertaken by TSA or the Customs Service, but it does make a difference if those who are more concerned with jurisdiction and turf are allowed to dominate the process at the expense of those who are singly committed to long-overdue security improvements at our nation's extremely busy international ports. I understand that the conference committee on port security legislation (H.R. 398/S. 1214) will be the decisive forum for this issue, and I urge all future conferees not to delay Congressional action on port security action any longer. If House and Senate committee jurisdictional disputes are allowed to delay maritime terrorism preparedness legislation, it will be a low point in Congressional behavior post-September 11th.

In addition to potential TSA and Customs involvement in new port security measures, this legislation also contains new port security initiatives for the U.S. Coast Guard (USCG), an admirable security force that I have worked closely with on a number of security issues in my district pre- and post-September 11th. I strongly support the provisions of H.R. 3983 establishing USCG anti-terrorism teams and "sea marshals," both of which will act as preventive and first response forces for maritime security. Provisions establishing port employee identification requirements for secure port areas and improved passenger and crew manifest notification are also vitally important. I am pleased that H.R. 3983 authorizes \$5.9 billion for the USCG, over \$800 million more than requested by the Administration in March, as a result of these new tasks and responsibilities the American people are entrusting to their Coast Guard.

Despite the port security progress promised by H.R. 3983, much work will still remain. The security assessments at 361 seaports will certainly uncover a myriad of unanticipated, but glaring needs around the country. The House bill is providing merely \$623,000 in grant authority per port, whereas the Senate bill provides a healthier, but still likely inadequate \$3,047,000 in grant authority per port.

As an example of how expensive this undertaking will be, mobile cargo container scanners cost roughly \$1 million. Only the larger 18 ports in America currently have these devices and most of these ports only have one. In addition to a lack of screening equipment is a lack of Customs personnel necessary to thoroughly examine incoming cargo manifests for high-risk shipments and man the equipment to scan the cargo. Our port security gap is as simple as not enough equipment, men, and inspections. Improving this security situation will cost a large amount of money, probably even more than the \$1.1 billion authorized in the Senate-passed legislation.

I applaud all those that have worked hard on port security legislation this year, especially the USCG, Customs, local law enforcement, and Port of Houston Authority personnel on active security duty in the Houston-Galveston area. I also encourage TSA, Customs, USCG to set aside any disputes and work together for the imperative common good of port security. However, Congress and the American

people must not forget that much remains to be done. I implore future Congresses to continue to revisit the issue of maritime security to see that Congressional improvements, once enacted, are made, and that any new necessary improvements are vigorously pursued. I thank the Speaker, and urge my colleagues to support H.R. 3983.

Ms. BROWN of Florida. Madam Speaker, I yield back the balance of my time.

Mr. LOBIONDO. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from New Jersey (Mr. LOBIONDO) that the House suspend the rules and pass the bill, H.R. 3983, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LOBIONDO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3983.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PORT AND MARITIME SECURITY ACT OF 2001

Mr. LOBIONDO. Madam Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1214) to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Port and Maritime Security Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PORT AND MARITIME SECURITY

Sec. 101. Findings.

Sec. 102. National Maritime Security Advisory Committee.

Sec. 103. Initial security evaluations and port vulnerability assessments.

Sec. 104. Establishment of local port security committees.

- Sec. 105. Maritime facility security plans.
 - Sec. 106. Employment investigations and restrictions for security-sensitive positions.
 - Sec. 107. Maritime domain awareness.
 - Sec. 108. International port security.
 - Sec. 109. Counter-terrorism and incident contingency plans.
 - Sec. 110. Maritime security professional training.
 - Sec. 111. Port security infrastructure improvement.
 - Sec. 112. Screening and detection equipment.
 - Sec. 113. Revision of port security planning guide.
 - Sec. 114. Shared dockside inspection facilities.
 - Sec. 115. Mandatory advanced electronic information for cargo and passengers and other improved customs reporting procedures.
 - Sec. 116. Prearrival messages from vessels destined to United States ports.
 - Sec. 117. Maritime safety and security teams.
 - Sec. 118. Research and development for crime and terrorism prevention and detection technology.
 - Sec. 119. Extension of seaward jurisdiction.
 - Sec. 120. Suspension of limitation on strength of Coast Guard.
 - Sec. 121. Additional reports.
 - Sec. 122. 4-year reauthorization of tonnage duties.
 - Sec. 123. Definitions.
- TITLE II—ADDITIONAL MARITIME SAFETY AND SECURITY RELATED MEASURES**
- Sec. 201. Extension of Deepwater Port Act to natural gas.
 - Sec. 202. Assignment of Coast Guard personnel as sea marshals and enhanced use of other security personnel.
 - Sec. 203. National Maritime Transportation Security Plan.
 - Sec. 204. Area maritime security committees and area maritime security plans.
 - Sec. 205. Vessel security plans.
 - Sec. 206. Protection of security-related information.
 - Sec. 207. Enhanced cargo identification and tracking.
 - Sec. 208. Enhanced crewmember identification.

TITLE I—PORT AND MARITIME SECURITY

SEC. 101. FINDINGS.

The Congress makes the following findings:

(1) There are 361 public ports in the United States which have a broad range of characteristics, and all of which are an integral part of our Nation's commerce.

(2) United States ports conduct over 95 percent of United States overseas trade. Over the next 20 years, the total volume of imported and exported goods at ports is expected to more than double.

(3) The variety of trade and commerce that are carried out at ports has greatly expanded. Bulk cargo, containerized cargo, passenger transport and tourism, intermodal transportation systems, and complex domestic and international trade relationships have significantly changed the nature, conduct, and complexity of port commerce.

(4) The United States is increasingly dependent on imported energy for a substantial share of supply, and a disruption of supply would seriously harm consumers and our economy.

(5) The top 50 ports in the United States account for about 90 percent of all the cargo tonnage. Twenty-five United States ports account for 98 percent of all container shipments. Cruise ships visiting foreign destina-

tions embark from 16 ports. Ferries in the United States transport 113,000,000 passengers and 32,000,000 vehicles per year.

(6) In the larger ports, the activities can stretch along a coast for many miles, including public roads within their geographic boundaries. The facilities used to support arriving and departing cargo are sometimes miles from the coast.

(7) Ports often are a major locus of Federal crime, including drug trafficking, cargo theft, and smuggling of contraband and aliens. The criminal conspiracies often associated with these crimes can pose threats to the people and critical infrastructures of port cities. Ports that accept international cargo have a higher risk of international crimes like drug and alien smuggling and trade fraud.

(8) Ports are often very open and exposed and, by the very nature of their role in promoting the free flow of commerce, are susceptible to large scale terrorism that could pose a threat to coastal, Great Lake, or riverain populations. Port terrorism could pose a significant threat to the ability of the United States to pursue its national security objectives.

(9) United States ports are international boundaries, however, unlike United States airports and land borders, United States ports receive no Federal funds for security infrastructure.

(10) Current inspection levels of containerized cargo are insufficient to counter potential security risks. Technology is currently not adequately deployed to allow for the nonintrusive inspection of containerized cargo. Additional promising technology is in the process of being developed that could inspect cargo in a nonintrusive and efficient fashion.

(11) The burgeoning cruise ship industry poses a special risk from a security perspective.

(12) Effective physical security and access control in ports is fundamental to deterring and preventing potential threats to port operations, and cargo shipments.

(13) Securing entry points, open storage areas, and warehouses throughout the port, controlling the movements of trucks transporting cargo through the port, and examining or inspecting containers, warehouses, and ships at berth or in the harbor are all important requirements that should be implemented.

(14) Identification procedures for arriving workers are important tools to deter and prevent port cargo crimes, smuggling, and terrorist actions.

(15) On April 27, 1999, the President established the Interagency Commission on Crime and Security in United States Ports to undertake a comprehensive study of the nature and extent of the problem of crime in our ports, as well as the ways in which governments at all levels are responding.

(16) The Commission has issued findings that indicate the following:

(A) Frequent crimes in ports include drug smuggling, illegal car exports, fraud (including Intellectual Property Rights and other trade violations), and cargo theft.

(B) Data about crime in ports has been very difficult to collect.

(C) Internal conspiracies are an issue at many ports, and contribute to Federal crime.

(D) Intelligence and information sharing among law enforcement agencies needs to be improved and coordinated at many ports.

(E) Many ports do not have any idea about the threats they face from crime, terrorism, and other security-related activities because of a lack of credible threat information.

(F) A lack of minimum physical, procedural, and personnel security standards at ports and at terminals, warehouses, trucking

firms, and related facilities leaves many ports and port users vulnerable to theft, pilferage, and unauthorized access by criminals.

(G) Access to ports and operations within ports is often uncontrolled.

(H) Coordination and cooperation between law enforcement agencies in the field is often fragmented.

(I) Meetings between law enforcement personnel, carriers, marine terminal operators, and port authorities regarding security are not being held routinely in the ports. These meetings could increase coordination and cooperation at the local level.

(J) Security-related equipment such as small boats, cameras, and vessel tracking devices is lacking at many ports.

(K) Detection equipment such as large-scale x-ray machines is lacking at many high-risk ports.

(L) A lack of timely, accurate, and complete manifest (including in-bond) and trade (entry, importer, etc.) data negatively impacts law enforcement's ability to function effectively.

(M) Criminal organizations are exploiting weak security in ports and related intermodal connections to commit a wide range of cargo crimes. Levels of containerized cargo volumes are forecasted to increase significantly, which will create more opportunities for crime while lowering the statistical risk of detection and interdiction.

(17) United States ports are international boundaries that—

(A) are particularly vulnerable to threats of drug smuggling, illegal alien smuggling, cargo theft, illegal entry of cargo and contraband;

(B) may present weaknesses in the ability of the United States to realize its national security objectives; and

(C) may serve as a vector or target for terrorist attacks aimed at the population of the United States.

(18) It is in the best interests of the United States—

(A) to be mindful that United States ports are international ports of entry and that the primary obligation for the security of international ports of entry lies with the Federal government;

(B) to be mindful of the need for the free flow of interstate and foreign commerce and the need to ensure the efficient movement of cargo in interstate and foreign commerce and the need for increased efficiencies to address trade gains;

(C) to increase United States port security by establishing a better method of communication amongst law enforcement officials responsible for port boundary, security, and trade issues;

(D) to formulate requirements for physical port security, recognizing the different character and nature of United States ports, and to require the establishment of security programs at ports;

(E) to provide financial incentives to help the States and private sector to increase physical security of United States ports;

(F) to invest in long-term technology to facilitate the private sector development of technology that will assist in the nonintrusive timely detection of crime or potential crime;

(G) to harmonize data collection on port-related and other cargo theft, in order to address areas of potential threat to safety and security;

(H) to create shared inspection facilities to help facilitate the timely and efficient inspection of people and cargo in United States ports;

(I) to improve Customs reporting procedures to enhance the potential detection of

crime in advance of arrival or departure of cargoes; and

(J) to promote private sector procedures that provide for in-transit visibility and support law enforcement efforts directed at managing the security risks of cargo shipments.

SEC. 102. NATIONAL MARITIME SECURITY ADVISORY COMMITTEE.

(a) IN GENERAL.—Section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226) is amended by adding at the end the following:

“(d) NATIONAL MARITIME SECURITY ADVISORY COMMITTEE.—

“(1) IN GENERAL.—The Secretary shall establish a National Maritime Security Advisory Committee, comprised of not more than 21 members appointed by the Secretary. The Secretary may require that a prospective member undergo a background check or obtain an appropriate security clearance before appointment.

“(2) ORGANIZATION.—The Secretary—

“(A) shall designate a chairperson of the Advisory Committee;

“(B) shall approve a charter, including such procedures and rules as the Secretary deems necessary for the operation of the Advisory Committee;

“(C) shall establish a law enforcement subcommittee and, with the consent of the Secretary of the Treasury and the Attorney General, respectively, include as members of the subcommittee representatives from the Customs Service and the Immigration and Naturalization Service;

“(D) may establish other subcommittees to facilitate consideration of specific issues, including maritime and port security, border protection, and maritime domain awareness issues, the potential effects on national energy security, the United States economy, and the environment of disruptions of crude oil, refined petroleum products, liquefied natural gas, and other energy sources; and

“(E) may invite the participation of other Federal agencies and of State and local government agencies of State, including law enforcement agencies, with an interest or expertise in anti-terrorism or maritime and port security and safety related issues.

“(3) MATERIAL AND MISSION SUPPORT.—In carrying out this subsection, the Secretary may accept contributions of funds, material, services, and the use of personnel and facilities from public or private entities, by contract or other arrangement, if the confidentiality of security-sensitive information is maintained and access to such information is limited appropriately. The Secretary shall deposit any funds accepted under this paragraph as miscellaneous receipts in the general fund of the Treasury.

“(4) FUNCTIONS.—The Advisory Committee shall—

“(A) advise, consult with, report to, and make recommendations to the Secretary on ways to enhance the security and safety of United States ports; and

“(B) provide advice and recommendations to the Secretary on matters related to maritime and port security and safety, including—

“(i) longterm solutions for maritime and port security issues;

“(ii) coordination of security and safety operations and information between and among Federal, State, and local governments and area and local port security committees and harbor safety committees;

“(iii) conditions for maritime security and safety loan guarantees and grants;

“(iv) development of a National Maritime Transportation Security Plan;

“(v) development and implementation of area and local maritime security plans;

“(vi) protection of port energy transportation facilities; and

“(vii) helping to ensure that the public and area and local port security committees are kept informed about maritime security enhancement developments.

“(5) TERMINATION.—The Advisory Committee shall terminate on September 30, 2005.”.

(b) FUNDING FOR FYs 2003–2005.—Of the amounts made available under section 122(b) there may be made available to the Secretary of Transportation for activities of the National Maritime Security Advisory Committee established under section 7(d) of the Ports and Waterways Safety Act (33 U.S.C. 1226(d)) \$1,000,000 for each of fiscal years 2003 through 2005, such sums to remain available until expended.

(c) AUTHORIZATION OF APPROPRIATIONS FOR FY 2002.—There are authorized to be appropriated to the Secretary of Transportation \$1,000,000 for fiscal year 2002 for activities of the Advisory Committee, such sums to remain available until expended.

SEC. 103. INITIAL SECURITY EVALUATIONS AND PORT VULNERABILITY ASSESSMENTS.

(a) IN GENERAL.—Section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226), as amended by section 102, is further amended by adding at the end the following:

“(e) INITIAL SECURITY EVALUATIONS AND PORT VULNERABILITY ASSESSMENTS.—

“(1) DEVELOPMENT OF STANDARDS.—The Secretary, in consultation with appropriate public and private sector officials and organizations, shall develop standards and procedures for conducting initial security evaluations and port vulnerability assessments.

“(2) INITIAL SECURITY EVALUATIONS.—The Secretary shall conduct an initial security evaluation of all port authorities, waterfront facilities, and public or commercial structures located within or adjacent to the marine environment. The Secretary shall consult the local port security committee while developing the initial security evaluation, and may require each port authority, waterfront facility operator, or operator of a public or commercial structure located within or adjacent to the marine environment to submit security information for review by the local port security committee.

“(3) PORT VULNERABILITY ASSESSMENTS.—The Secretary shall review initial security evaluations and conduct a port vulnerability assessment for each port for which the Secretary determines such an assessment is appropriate. If a port vulnerability assessment has been conducted within 5 years by or on behalf of a port authority or marine terminal operator, and the Secretary determines that it was conducted in a manner that is generally consistent with the standards and procedures specified under this subsection, the Secretary may accept that assessment rather than conducting another port vulnerability assessment for that port.

“(4) REVIEW AND COMMENT OPPORTUNITY.—The Secretary shall make each initial security evaluation and port vulnerability assessment for a port available for review and comment by the local port security committee, officials of the port authority, marine terminal operator representatives, and representatives of other entities connected to or affiliated with maritime commerce or port security as the Secretary determines to be appropriate, based on the recommendations of the local port security committee.

“(5) UNAUTHORIZED DISCLOSURE.—The Secretary shall ensure that all initial security evaluations, port vulnerability assessments, and any associated materials are properly safeguarded from unauthorized disclosure.

“(6) MATERIAL AND MISSION SUPPORT.—In carrying out responsibilities under this Act, the Secretary may accept contributions of funds, material, services, and the use of per-

sonnel and facilities from public and private entities by contract or other arrangement if the confidentiality of security-sensitive information is maintained and access to such information is limited appropriately. The Secretary shall deposit any funds accepted under this section as miscellaneous receipts in the general fund of the Treasury.”.

(b) FUNDING.—Of the amounts made available under section 122(b) there may be made available to the Secretary \$10,000,000 for each of fiscal years 2003 through 2006 to carry out section 7(e) of the Ports and Waterways Safety Act (33 U.S.C. 1226(e)), such sums to remain available until expended.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary \$20,000,000 for fiscal year 2002 to carry out section 7(e) of the Ports and Waterways Safety Act (33 U.S.C. 1226(e)), such sums to remain available until expended.

SEC. 104. ESTABLISHMENT OF LOCAL PORT SECURITY COMMITTEES.

(a) IN GENERAL.—Section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226), as amended by section 103, is further amended by adding at the end the following:

“(f) LOCAL PORT SECURITY COMMITTEES.—

“(1) ESTABLISHMENT.—The Secretary shall establish local port security committees.

“(2) FUNCTIONS.—A local port security committee established under this subsection shall—

“(A) help coordinate planning and other port security activities;

“(B) help make use of, and disseminate the information made available under this section;

“(C) make recommendations concerning initial security evaluations and port vulnerability assessments by identifying the unique characteristics of each port;

“(D) assist in the review of port vulnerability assessments promulgated under this section;

“(E) assist in implementing the guidance promulgated under this section;

“(F) annually review maritime security plans for each local port authority, waterfront facility operator, or operator of a public or commercial structure located within or adjacent to the marine environment; and

“(G) assist the Captain-of-the-Port in conducting a field security exercise at least once every 3 years to verify the effectiveness of one or more maritime security plans for a local port authority, waterfront facility operator, or operator of a public or commercial structure located within or adjacent to the marine environment.

“(3) USE OF EXISTING COMMITTEES.—In establishing these local port security committees, the Secretary may use or augment any existing port or harbor safety committee or port readiness committee, if the membership of the port security committee includes representatives of—

“(A) the port authority or authorities;

“(B) Federal, State and local government;

“(C) Federal, State, and local law enforcement agencies;

“(D) longshore labor organizations or transportation workers;

“(E) local port-related business officials or management organizations;

“(F) shipping companies, vessel owners, terminal owners and operators, truck, rail and pipeline operators, where such are in operation; and

“(G) other persons or organizations whose inclusion is deemed beneficial by the Captain of the Port or the Secretary.

“(4) CHAIR.—Each local port security committee shall be chaired by the Captain-of-the-Port.

“(5) JURISDICTION.—Each port may have a separate port security committee or, at the

discretion of the Captain-of-the-Port, a Captain-of-the-Port zone may have a single port security committee covering all ports within that zone.

“(6) QUARTERLY MEETINGS.—The port security committee shall meet at least 4 times each year at the call of the Chairperson.

“(7) FACA NOT APPLICABLE.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to a port security committee established under this subsection.

“(8) MATERIAL AND MISSION SUPPORT.—In carrying out responsibilities under this Act, the Secretary may accept contributions of funds, material, services, and the use of personnel and facilities from public and private entities by contract or other arrangement if the confidentiality of security-sensitive information is maintained and access to such information is limited appropriately. The Secretary shall deposit any funds accepted under this section as miscellaneous receipts in the general fund of the United States Treasury.”.

(b) FUNDING.—Of the amounts made available under section 122(b) there may be made available to the Secretary \$3,000,000 for each of fiscal years 2003 through 2006 to carry out section 7(f) of the Ports and Waterways Safety Act (33 U.S.C. 1226(f)), such sums to remain available until expended.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary \$5,000,000 for each of fiscal years 2002 and 2003 to carry out section 7(f) of the Ports and Waterways Safety Act (33 U.S.C. 1226(f)), such sums to remain available until expended.

SEC. 105. MARITIME FACILITY SECURITY PLANS.

Section 7 of the Ports and Waterways Safety Act, (33 U.S.C. 1226), as amended by section 104, is further amended by adding at the end the following:

“(g) MARITIME FACILITY SECURITY PLANS.—

“(1) REGULATIONS TO ESTABLISH REQUIREMENT.—The Secretary, after consultation with the Secretary of the Treasury and the Attorney General, shall issue regulations establishing requirements for submission of a maritime facility security plan, as the Secretary determines necessary, by each port authority, waterfront facility operator, or operator of a public or commercial structure located within or adjacent to the marine environment (as defined in section 2101(15) of title 46, United States Code). The Secretary shall ensure that the local port security committee is consulted in the development of a maritime facility security plan under those regulations.

“(2) PURPOSE; SPECIFICITY; CONTENT.—

“(A) PURPOSE.—A maritime facility security plan shall provide a law enforcement program and capability at the port that is adequate to safeguard the public and to improve the response to threats of crime and terrorism.

“(B) SPECIFICITY.—Notwithstanding other provisions of this Act, the Secretary may impose specific, or different requirements on individual ports, port authorities, marine terminal operators or other entities required to submit a maritime facility security plan under regulations promulgated under this subsection.

“(C) CONTENT.—A maritime facility security plan shall include—

“(i) provisions for establishing and maintaining physical security for port areas and approaches, including establishing, as necessary, controlled access areas and secure perimeters within waterfront facilities and other public or commercial structures located within or adjacent to the marine environment;

“(ii) provisions for establishing and maintaining procedural security for processing

passengers, cargo, and crewmembers, and security for employees and service providers;

“(iii) a credentialing requirement to limit access to waterfront facilities and other public or commercial structures located within or adjacent to the marine environment, designed to ensure that only authorized individuals and service providers gain admittance;

“(iv) a credentialing requirement to limit access to controlled areas and security-sensitive information;

“(v) provisions for restricting vehicular access, as necessary, to designated port areas or facilities;

“(vi) provisions for restricting the introduction of firearms and other dangerous weapons, as necessary, to designated port areas or facilities;

“(vii) provisions for the use of appropriately qualified private security officers or qualified State, local, or private law enforcement personnel;

“(viii) procedures for evacuation of people from port areas in the event of a terrorist attack or other emergency;

“(ix) a process for assessment and evaluation of the safety and security of port areas before port operations are resumed after a terrorist attack or other emergency; and

“(x) any other information the Secretary requires.

“(3) INCORPORATION OF EXISTING SECURITY PLANS.—The Secretary may approve a maritime facility security plan, or an amendment to an existing program or plan, that incorporates—

“(A) a security program of a marine terminal operator tenant with access to a secured area of the port, under such conditions as the Secretary deems appropriate; or

“(B) a maritime facility security plan of a port authority that incorporates a State or local security program, policy, or law.

“(4) APPROVAL PROCESS.—

“(A) IN GENERAL.—The Secretary shall review and approve or disapprove each maritime facility security plan submitted under regulations promulgated under this subsection.

“(B) RESUBMISSION OF DISAPPROVED PLANS.—If the Secretary disapproves a maritime facility security plan—

“(i) the Secretary shall notify the plan submitter in writing of the reasons for the disapproval; and

“(ii) the submitter shall submit a revised maritime facility security plan within 180 days after receiving the notification of disapproval.

“(5) PERIODIC REVIEW AND RESUBMISSION.—Whenever appropriate, but not less frequently than once every 5 years, each port authority, marine terminal operator or other entity required to submit a maritime facility security plan under regulations promulgated under this subsection shall review its plan, make necessary or appropriate revisions, and submit the results of its review and revised plan to the Secretary.

“(6) INTERIM SECURITY MEASURES.—The Secretary shall require each port authority, waterfront facility operator, or operator of a public or commercial structure located within or adjacent to the marine environment, to implement any necessary security measures, including the establishment of a secure perimeter and positive access controls, until the maritime facility security plan for that port authority, waterfront facility operator, or operator of a public or commercial structure located within or adjacent to the marine environment is approved.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary \$3,500,000 for each of fiscal years 2002 through 2006 to carry out section 7(g) of the Ports and Waterways Safety Act

(33 U.S.C. 1226(g)), such sums to remain available until expended.

SEC. 106. EMPLOYMENT INVESTIGATIONS AND RESTRICTIONS FOR SECURITY-SENSITIVE POSITIONS.

Section 7 of the Ports and Waterways Safety Act, (33 U.S.C. 1226), as amended by section 105, is further amended by adding at the end the following:

“(h) DESIGNATION OF CONTROLLED ACCESS AREAS; PROTECTION OF SECURITY-SENSITIVE INFORMATION; EMPLOYMENT INVESTIGATIONS AND CRIMINAL HISTORY RECORD CHECKS.—

“(1) ACCESS AREAS; RESTRICTED INFORMATION REGULATIONS.—The Secretary, after consultation with the Secretary of the Treasury and the Attorney General, shall prescribe regulations to—

“(A) require, as necessary, the designation of controlled access areas in the maritime facility security plan for each waterfront facility and other public or commercial structure located within or adjacent to the marine environment; and

“(B) limit access to security-sensitive information, such as passenger and cargo manifests.

“(2) SCREENING; BACKGROUND CHECKS.—In prescribing access limitations under this section, the Secretary may—

“(A) require that persons entering or exiting secure, restricted, or controlled access areas undergo physical screening;

“(B) require appropriate escorts for persons without proper clearances or credentials; and

“(C) require employment investigations and criminal history record checks to ensure that individuals who have unrestricted access to controlled areas or have access to security-sensitive information do not pose a threat to national security or to the safety and security of maritime commerce.

“(3) DISQUALIFICATION FROM NEW OR CONTINUED EMPLOYMENT.—An individual may not be employed in a security-sensitive position at any waterfront facility or other public or commercial structure located within or adjacent to the marine environment if—

“(A) the individual does not meet other criteria established by the Secretary; or

“(B) a background investigation or criminal records check reveals that—

“(i) within the previous 7 years the individual was convicted, or found not guilty by reason of insanity of an offense described in paragraph (4); or

“(ii) within the previous 5 years was released from incarceration for committing an offense described in paragraph (4).

“(4) DISQUALIFYING OFFENSES.—The offenses referred to in paragraph (3)(B) are the following:

“(A) Murder.

“(B) Assault with intent to murder.

“(C) Espionage.

“(D) Sedition.

“(E) Treason.

“(F) Rape.

“(G) Kidnaping.

“(H) Unlawful possession, sale, distribution, importation, or manufacture of an explosive or weapon.

“(I) Extortion.

“(J) Armed or felony unarmed robbery.

“(K) Importation, manufacture, or distribution of, or intent to distribute, a controlled substance.

“(L) A felony involving a threat.

“(M) A felony involving willful destruction of property.

“(N) Smuggling.

“(O) Theft of property in the custody of the United States Customs Service.

“(P) Attempt to commit, or conspiracy to commit any of the offenses referred to in subparagraphs (A) through (O).

“(5) ALTERNATIVE ARRANGEMENTS.—Notwithstanding paragraph (1), an individual may be employed in a security-sensitive position although that individual would otherwise be disqualified from such employment if the employer establishes alternate security arrangements acceptable to the Secretary.

“(6) APPEALS PROCESS.—The Secretary shall establish an appeals process under this section for individuals found to be ineligible for employment under paragraph (3) that includes notice and an opportunity for a hearing.

“(7) ACCESS TO DATABASES.—Notwithstanding any other provision of law to the contrary, but subject to existing or new procedural safeguards imposed by the Attorney General, the Secretary is authorized to access the Federal Bureau of Investigation's Integrated Automatic Fingerprinting Identification System, the Fingerprint Identification Record System, the Interstate Identification Index, the National Crime Identification System, and the Integrated Entry and Exit Data System for the purpose of conducting or verifying the results of any background investigation or criminal records check required by this subsection.

“(8) RESTRICTIONS ON USE AND MAINTENANCE OF INFORMATION.—

“(A) SECRETARY MAY GIVE RESULTS OF INVESTIGATION TO EMPLOYERS.—The Secretary may transmit the results of a background check or criminal records check to a port authority, marine terminal operator, or other entity the Secretary determines necessary for carrying out the requirements of this subsection.

“(B) FOIA NOT TO APPLY.—Information obtained by the Secretary under this subsection may not be made available to the public under section 552 of title 5, United States Code.

“(C) CONFIDENTIALITY.—Except to the extent necessary to carry out this subsection, any information other than criminal acts or offenses constituting grounds for ineligibility for employment under paragraph (3) shall be maintained confidentially by the Secretary and may be used only for making determinations under this section.

“(9) EFFECTIVENESS AUDITS.—The Secretary shall provide for the periodic audit of the effectiveness of employment investigations and criminal history record checks required by this subsection.

“(10) USER FEES.—

“(A) IN GENERAL.—The Secretary and the Attorney General shall establish and collect reasonable fees to pay expenses incurred by the Federal government in carrying out any investigation, criminal history record check, fingerprinting, or identification verification services provided for under this subsection.

“(B) DEPOSIT OF AMOUNT RECEIVED.—Amounts received by the Attorney General or Secretary under this section shall be credited to the account in the Treasury from which the expenses were incurred as offsetting collections and shall be available to the Attorney General and the Secretary upon the approval of Congress.

“(11) SUBSECTION NOT IN DEROGATION OF OTHER AUTHORITY.—Nothing in this subsection restricts any agency, instrumentality, or department of the United States from exercising, or limits its authority to exercise, any other statutory or regulatory authority to initiate or enforce port security standards.”

SEC. 107. MARITIME DOMAIN AWARENESS.

(a) IN GENERAL.—The Secretary shall conduct a study on ways to enhance maritime domain awareness through improved collection and coordination of maritime intelligence and submit a report on the findings of that study to the Senate Committee on

Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(b) SPECIFIC MATTERS TO BE ADDRESSED.—In the study, the Secretary shall—

(1) identify actions and resources necessary for multi-agency cooperative efforts to improve the maritime security of the United States;

(2) specifically address measures necessary to ensure the effective collection, dissemination, and interpretation of maritime intelligence and data, information resource management and database requirements, architectural measures for cross-agency integration, data sharing, correlation and safeguarding of data, and cooperative analysis to identify and effectively respond to threats to maritime security;

(3) estimate the potential costs of establishing and operating such a new or linked database and provides recommendations on what agencies should contribute to the cost of its operation;

(4) evaluate the feasibility of establishing a joint interagency task force on maritime intelligence;

(5) estimate of potential costs and benefits of utilizing commercial supercomputing platforms and data bases to enhance information collection and analysis capabilities across multiple Federal agencies; and

(6) provide a suggested time frame for the development of such a system or database.

(c) PARTICIPATION OF OTHER AGENCIES.—The Secretary shall consult with the Director of Central Intelligence, the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Attorney General, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Energy, the Director of the Federal Emergency Management Agency, and the heads of other departments and agencies as necessary and invite their participation in the preparation of the study and report required by subsection (a).

(d) DEADLINE.—The Secretary shall submit the report required by subsection (a) within 180 days after the date of enactment of this Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary \$500,000 in fiscal year 2002 to carry out this section.

SEC. 108. INTERNATIONAL PORT SECURITY.

(a) IN GENERAL.—Part A of subtitle II of title 46, United States Code, is amended by adding at the end the following:

“CHAPTER 25. INTERNATIONAL PORT SECURITY.

“Sec.

“2501. Assessment.

“2502. Notifying foreign authorities.

“2503. Actions when ports not maintaining and carrying out effective security measures.

“2504. Travel advisories concerning security at foreign ports.

“2505. Suspensions.

“2506. Acceptance of contributions; joint venture arrangements.

“§ 2501. Assessment

“(a) IN GENERAL.—At intervals the Secretary of Transportation considers necessary, the Secretary shall assess the effectiveness of the security measures maintained at—

“(1) a foreign port—

“(A) served by vessels of the United States;

“(B) from which foreign vessels serve the United States; or

“(C) that poses a high risk of introducing danger to United States ports and waterways, United States citizens, vessels of the United States or any other United States interests; and

“(2) any other foreign port the Secretary considers appropriate.

“(b) PROCEDURES AND STANDARDS.—The Secretary shall conduct an assessment under subsection (a) of this section—

“(1) in consultation with appropriate authorities of the government of the foreign country concerned and operators of vessels of the United States serving the foreign port for which the Secretary is conducting the assessment;

“(2) to establish the extent to which a foreign port effectively maintains and carries out internationally recognized security measures; and

“(3) by using a standard based on the standards for port security and recommended practices of the International Maritime Organization and other appropriate international organizations.

“(c) CONSULTATION.—In carrying out this section, the Secretary shall consult with—

“(1) the Secretary of State—

“(A) on the terrorist or relevant criminal threat that exists in each country involved; and

“(B) identify foreign ports that—

“(i) are not under the de facto control of the government of the foreign country in which they are located; and

“(ii) pose a high risk of introducing danger to international maritime commerce; and

“(2) the Secretary of the Treasury and coordinate any such assessment with the United States Customs Service.

“§ 2502. Notifying foreign authorities

“(a) DISSEMINATION OF INFORMATION ABOUT THE PROGRAM.—The Secretary shall work with the Secretary of State to facilitate the dissemination of port security program information to port authorities and marine terminal operators in other countries.

“(b) SPECIFIC NOTIFICATIONS.—If the Secretary of Transportation, after conducting an assessment under section 2501, finds that a port does not maintain and carry out effective security measures, the Secretary, through the Secretary of State, shall notify the appropriate authorities of the government of the foreign country of the finding and recommend the steps necessary to bring the security measures in use at the port up to the standard used by the Secretary of Transportation in making the assessment.

“§ 2503. Actions when ports not maintaining and carrying out effective security measures

“(a) IN GENERAL.—If the Secretary of Transportation finds that a port does not maintain and carry out effective security measures—

“(1) the Secretary shall—

“(A) in consultation with the Secretaries of State, Treasury, Agriculture, and the Attorney General, develop measures to protect the safety and security of United States ports from risks related to vessels arriving from a foreign port that does not maintain an acceptable level of security;

“(B) publish the identity of the port in the Federal Register;

“(C) have the identity of the port posted and displayed prominently at all United States ports at which scheduled passenger carriage is provided regularly to that port; and

“(D) require each United States and foreign vessel providing transportation between the United States and the port to provide written notice of the decision, on or with the ticket, to each passenger buying a ticket for transportation between the United States and the port;

“(2) the Secretary may, after consultation with the Secretaries of State and of the Treasury, prescribe conditions of port entry

into the United States for any vessel arriving from a port determined under this subsection to maintain ineffective security measures, or any vessel carrying cargo originating from or transhipped through such a port, including refusing entry, inspection, or any other condition as the Secretary determines may be necessary to ensure the safety of United States ports and waterways; and

“(3) the Secretary may prohibit a United States or foreign vessel from providing transportation between the United States and any other foreign port that is served by vessels navigating to or from a port found not to maintain and carry out effective security measures.

“(b) EFFECTIVE DATE FOR SANCTIONS.—Any action taken by the Secretary under subsection (a) for a particular port shall take effect—

“(1) 90 days after the government of the foreign country with jurisdiction or control of that port is notified under section 2502 unless the Secretary finds that the government has brought the security measures at the port up to the standard the Secretary used in making an assessment under section 2501 before the end of that 90-day period; or

“(2) immediately upon the determination of the Secretary under subsection (a) if the Secretary finds, after consulting with the Secretary of State, that a condition exists that threatens the safety or security of passengers, vessels, or crew traveling to or from the port.

“(c) STATE DEPARTMENT TO BE NOTIFIED.—The Secretary immediately shall notify the Secretary of State of a finding that a port does not maintain and carry out effective security measures so that the Secretary of State may issue a travel advisory.

“(d) CONGRESSIONAL NOTIFICATION REQUIRED.—The Secretary promptly shall submit to Congress a report (and classified annex if necessary) identifying any port that the Secretary finds does not maintain and carry out effective security measures and describe any action taken under this section with regard to that port.

“(e) ACTION CANCELED.—An action required under this section is no longer required if the Secretary, in consultation with the Secretary of State, decides that effective security measures are maintained and carried out at the port. The Secretary shall notify Congress when the action is no longer required.

“§2504. Travel advisories concerning security at foreign ports

“(a) IN GENERAL.—Upon being notified by the Secretary of Transportation that the Secretary has determined that a condition exists that threatens the safety or security of passengers, passenger vessels, or crew traveling to or from a foreign port which the Secretary has determined under this chapter to be a port which does not maintain and administer effective security measures, the Secretary of State shall immediately issue a travel advisory with respect to the port. The Secretary of State shall take the necessary steps to publicize the travel advisory widely.

“(b) WHEN TRAVEL ADVISORY MAY BE CANCELED.—The travel advisory required to be issued under subsection (a) of this section may be lifted only if the Secretary of Transportation, in consultation with the Secretary of State, has determined that effective security measures are maintained and administered at the port with respect to which the Secretary of Transportation had made the determination.

“(c) CONGRESSIONAL NOTIFICATION.—The Secretary of State shall immediately notify Congress of any change in the status of a travel advisory imposed pursuant to this section.

“§2505. Suspensions

“(a) IN GENERAL.—The President, without prior notice or a hearing, shall suspend the right of any vessel of the United States, and the right of a person to trade with the United States, to provide foreign sea transportation, and the right of a person to operate vessels in foreign sea commerce, to or from a foreign port, if the President finds that—

“(1) a condition exists that threatens the safety or security of passengers, vessels, or crew traveling to or from that port; and

“(2) the public interest requires an immediate suspension of trade between the United States and that port.

“(b) DENIAL OF ENTRY.—If a person operates a vessel in violation of this section, the President may deny the vessels of that person entry to United States ports.

“(c) PENALTY FOR VIOLATION.—A person violating this section is liable to the United States Government for a civil penalty of not more than \$50,000. Each day a vessel utilizes a prohibited port shall be a separate violation of this section.

“§2506. Acceptance of contributions; joint venture arrangements

“In carrying out responsibilities under this chapter, the Secretary may accept contributions of funds, material, services, and the use of personnel and facilities from public and private entities by contract or other arrangement if the confidentiality of security-sensitive information is maintained and access to such information is limited appropriately. The Secretary shall deposit any funds accepted under this section as miscellaneous receipts in the general fund of the United States Treasury.”

(b) CONFORMING AMENDMENT.—The table of chapters at the beginning of subtitle II of title 46, United States Code, is amended by inserting the following new item in part A after the item for chapter 23:

“25. International Port Security 2501”.

(c) REPEALS.—Sections 902, 905, 907, 908, 909, 910, 911, 912, and 913 of the International Maritime and Port Security Act (46 U.S.C. App. 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, and 1809), are repealed.

(d) FOREIGN-FLAG VESSELS.—Within 6 months after the date of enactment of this Act and every year thereafter, the Secretary, in consultation with the Secretary of State, shall provide a report to the Committees on Commerce, Science, and Transportation and Foreign Relations of the Senate, and the Committees on Transportation and Infrastructure and International Relations of the House of Representatives that lists the following information:

(1) A list of all nations whose flag vessels have entered United States ports in the previous year.

(2) Of the nations on that list, a separate list of those nations—

(A) whose registered flag vessels appear as Priority III or higher on the Boarding Priority Matrix maintained by the Coast Guard;

(B) that have presented, or whose flag vessels have presented, false, intentionally incomplete, or fraudulent information to the United States concerning passenger or cargo manifests, crew identity or qualifications, or registration or classification of their flag vessels;

(C) whose vessel registration or classification procedures have been found by the Secretary to be noncompliant with international classifications or do not exercise adequate control over safety and security concerns; or

(D) whose laws or regulations are not sufficient to allow tracking of ownership and registration histories of registered flag vessels.

(3) Actions taken by the United States, whether through domestic action or international negotiation, including agreements at the International Maritime Organization under section 902 of the International Maritime and Port Security Act (46 U.S.C. App. 1801), to improve transparency and security of vessel registration procedures in nations on the list under paragraph (2).

(4) Recommendations for legislative or other actions needed to improve security of United States ports against potential threats posed by flag vessels of nations named in paragraph (2).

SEC. 109. COUNTER-TERRORISM AND INCIDENT CONTINGENCY PLANS.

(a) IN GENERAL.—The Secretary, in coordination with the Director of the Federal Bureau of Investigation, shall ensure that all area maritime counter-terrorism and incident contingency plans are reviewed, revised, and updated no less frequently than once every 3 years.

(b) LOCAL PORT SECURITY COMMITTEES.—The Secretary shall ensure that port security committees established under section 7(f) of the Ports and Maritime Safety Act (33 U.S.C. 2116(f)) are involved in the review, revision, and updating of the plans.

(c) SIMULATION EXERCISES.—The Secretary shall ensure that—

(1) simulation exercises are conducted annually for all such plans; and

(2) actual practice drills and exercises are conducted at least once every 3 years.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary \$1,000,000 for each of fiscal years 2002 through 2006 to carry out this section, such sums to remain available until expended.

SEC. 110. MARITIME SECURITY PROFESSIONAL TRAINING.

(a) IN GENERAL.—

(1) DEVELOPMENT OF STANDARDS.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall develop standards and curriculum to allow for the training and certification of maritime security professionals. In developing these standards and curriculum, the Secretary shall consult with the National Maritime Security Advisory Committee established under section 7(d) of the Ports and Maritime Safety Act (33 U.S.C. 2116(d)).

(2) SECRETARY TO CONSULT ON STANDARDS.—In developing standards under this section, the Secretary may, without regard to the Federal Advisory Committee Act (5 U.S.C. App.), consult with the Federal Law Enforcement Training Center, the United States Merchant Marine Academy's Global Maritime and Transportation School, the Maritime Security Council, the International Association of Airport and Port Police, the National Cargo Security Council, and any other Federal, State, or local government or law enforcement agency or private organization or individual determined by the Secretary to have pertinent expertise.

(b) MINIMUM STANDARDS.—The standards established by the Secretary under subsection (a) shall include the following elements:

(1) The training and certification of maritime security professionals in accordance with accepted law enforcement and security guidelines, policies, and procedures, including, as appropriate, recommendations for incorporating a background check process for personnel trained and certified in foreign ports.

(2) The training of students and instructors in all aspects of prevention, detection, investigation, and reporting of criminal activities in the international maritime environment.

(3) The provision of off-site training and certification courses and certified personnel

at United States and foreign ports used by United States-flagged vessels, or by foreign-flagged vessels with United States citizens as passengers or crewmembers, to develop and enhance security awareness and practices.

(c) **TRAINING PROVIDED TO LAW ENFORCEMENT AND SECURITY PERSONNEL.**—The Secretary is authorized to make the training opportunities provided under this section available to any Federal, State, local, and private law enforcement or maritime security personnel in the United States or in foreign ports used by United States-flagged vessels with United States citizens as passengers or crewmembers.

(d) **USE OF CONTRACT RESOURCES.**—The Secretary shall employ existing Federal and contract resources to train and certify maritime security professionals in accordance with the standards and curriculum developed under this Act.

(e) **ANNUAL REPORT.**—The Secretary shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the expenditure of appropriated funds and the training under this section.

(f) **FUNDING.**—Of the amounts made available under section 122(b), there may be made available to the Secretary to carry out this section—

(1) \$2,500,000 for each of fiscal years 2003 and 2004; and

(2) \$3,000,000 for each of fiscal years 2005 and 2006, such sums to remain available until expended.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary to carry out this section—

(1) \$5,500,000 for fiscal year 2002;

(2) \$3,000,000 for each of fiscal years 2003 and 2004; and

(3) \$2,500,000 for each of fiscal years 2005 and 2006.

SEC. 111. PORT SECURITY INFRASTRUCTURE IMPROVEMENT.

(a) **IN GENERAL.**—The Merchant Marine Act, 1936 (46 U.S.C. App. 1101 et seq.) is amended by adding at the end the following:

“TITLE XIV—PORT SECURITY INFRASTRUCTURE IMPROVEMENT

“SEC. 1401. LOAN GUARANTEES FOR PORT SECURITY INFRASTRUCTURE IMPROVEMENTS.

“(a) **IN GENERAL.**—The Secretary of Transportation, subject to the terms the Secretary shall prescribe and after consultation with the United States Coast Guard, the United States Customs Service, and the National Maritime Security Advisory Committee established under section 102 of the Port and Maritime Security Act of 2001, may guarantee or make a commitment to guarantee the payment of the principal of, and the interest on, an obligation for port security infrastructure improvements for an eligible project at any United States port.

“(b) **LIMITATIONS.**—Guarantees or commitments to guarantee under this section are subject to the extent applicable to all the laws, requirements, regulations, and procedures that apply to guarantees or commitments to guarantee made under title XI, except that—

“(1) guarantees or commitments to guarantee made under this section are eligible for not more than 87.5 percent of the actual cost of the security infrastructure improvement;

“(2) notwithstanding section 1104A(d), determination of economic soundness for a security infrastructure project shall be based upon the economic soundness of the applicant and not the project;

“(3) guarantees or commitments to guarantee may be made under this section to persons who are not citizens of the United States as defined in section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802).

“(c) **TRANSFER OF FUNDS.**—The Secretary may accept the transfer of funds from any other department, agency, or instrumentality of the United States Government and may use those funds to cover the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 61a)) of making guarantees or commitments to guarantee loans entered into under this section.

“(d) **ELIGIBLE PROJECTS.**—A project is eligible for a loan guarantee or commitment under subsection (a) if it is for the construction or acquisition of new security infrastructure that is—

“(1) equipment or facilities to be used for port security monitoring and recording;

“(2) security gates and fencing;

“(3) security-related lighting systems;

“(4) remote surveillance systems;

“(5) concealed video systems; or

“(6) other security infrastructure or equipment that contributes to the overall security of passengers, cargo, or crewmembers.

“SEC. 1402. GRANTS.

“(a) **FINANCIAL ASSISTANCE.**—The Secretary may provide financial assistance for eligible projects (within the meaning of section 1401(d)).

“(b) **MATCHING REQUIREMENTS.**—

“(1) **75-PERCENT FEDERAL FUNDING.**—Except as provided in paragraph (2), Federal funds for any eligible project under this section shall not exceed 75 percent of the total cost of such project.

“(2) **EXCEPTIONS.**—

“(A) **SMALL PROJECTS.**—There are no matching requirements for grants under subsection (a) for projects costing not more than \$25,000.

“(B) **HIGHER LEVEL OF SUPPORT REQUIRED.**—If the Secretary determines that a proposed project merits support and cannot be undertaken without a higher rate of Federal support, then the Secretary may approve grants under this section with a matching requirement other than that specified in paragraph (1).

“(c) **ALLOCATION.**—The Secretary shall ensure that financial assistance provided under subsection (a) during a fiscal year is distributed so that funds are awarded for eligible projects that address emerging priorities or threats identified by the National Maritime Security Advisory Committee established under section 7(d) of the Ports and Waterways Safety Act (33 U.S.C. 1226(d)).

“(d) **PROJECT PROPOSALS.**—Each proposal for a grant under this section shall include the following:

“(1) The name of the individual or entity responsible for conducting the project.

“(2) A comprehensive description of the need for the project, and a statement of the project's relationship to the security plan.

“(3) A description of the qualifications of the individuals who will conduct the project.

“(4) An estimate of the funds and time required to complete the project.

“(5) Evidence of support of the project by appropriate representatives of States or territories of the United States or other government jurisdictions in which the project will be conducted.

“(6) Information regarding the source and amount of matching funding available to the applicant, as appropriate.

“(7) Any other information the Secretary considers to be necessary for evaluating the eligibility of the project for funding under this title.

“SEC. 1403. ALLOCATION OF RESOURCES.

“In carrying out this title, the Secretary may ensure that not less than \$2,000,000 in

loans and loan guarantees under section 1401, and not less than \$6,000,000 in grants under section 1402, are made available for eligible projects (as defined in section 1401(d)) located in any State to which reference is made by name in section 607 of this Act during each of the fiscal years 2002 through 2006.”

(b) **ANNUAL ACCOUNTING.**—The Secretary of Transportation shall submit an annual summary of loan guarantees and commitments to make loan guarantees under section 1401 of the Merchant Marine Act, 1936, and grants made under section 1402 of that Act, to the Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure and the Advisory Committee through appropriate media of communication, including the Internet.

(c) **FUNDING.**—Of amounts made available under section 122(b), there may be made available to the Secretary of Transportation—

(1) \$9,000,000 for each of the fiscal years 2003, 2004, 2005, and 2006 as guaranteed loan costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990; 2 U.S.C. 661a(5)) under section 1401 of the Merchant Marine Act, 1936,

(2) \$10,000,000 for each of such fiscal years for grants under section 1402 of the Merchant Marine Act, 1936, and

(3) \$1,000,000 for each such fiscal year to cover administrative expenses related to loan guarantees under section 1401 of the Merchant Marine Act, 1936, and grants under section 1402 of that Act, such amounts to remain available until expended.

(d) **ADDITIONAL APPROPRIATIONS AUTHORIZED.**—In addition to the amounts made available under subsection (c)(2), there are authorized to be appropriated to the Secretary of Transportation—

(1) \$26,000,000 for each of fiscal years 2002 through 2006 to the Secretary as guaranteed loan costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990; 2 U.S.C. 661a(5)) under section 1401 of the Merchant Marine Act, 1936;

(2) \$70,000,000 for each of fiscal years 2002 through 2006 to the Secretary for grants under section 1402 of the Merchant Marine Act, 1936; and

(3) \$4,000,000 for each of fiscal years 2002 through 2006 to the Secretary to cover administrative expenses related to loan guarantees and grants under paragraphs (8) and (9),

such sums to remain available until expended.

SEC. 112. SCREENING AND DETECTION EQUIPMENT.

(a) **FUNDING.**—Of amounts made available under section 122(b), there may be made available to the Commissioner of Customs for the purchase of nonintrusive screening and detection equipment for use at United States ports—

(1) \$15,000,000 for fiscal year 2003,

(2) \$16,000,000 for fiscal year 2004,

(3) \$18,000,000 for fiscal year 2005, and

(4) \$19,000,000 for fiscal year 2006,

such sums to remain available until expended.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Commissioner \$20,000,000 for each of fiscal years 2002 through 2006 to the Commissioner of Customs for the purchase of nonintrusive screening and detection equipment for use at United States ports, such sums to remain available until expended.

(c) **FUNDING FOR FISCAL YEAR 2002.**—There are authorized to be appropriated \$145,000,000 for the United States Customs Service for

fiscal year 2002 for 1,200 new customs inspector positions, 300 new customs agent positions, and other necessary port security positions, and for purchase and support of equipment (including camera systems for docks and vehicle-mounted computers), canine enforcement for port security, and to update computer systems to help improve customs reporting procedures.

SEC. 113. REVISION OF PORT SECURITY PLANNING GUIDE.

The Secretary of Transportation, acting through the Maritime Administration and after consultation with the Advisory Committee and the United States Coast Guard, shall publish a revised version of the document entitled "Port Security: A National Planning Guide", incorporating the requirements promulgated under section 7(g) of the Ports and Waterways Security Act (33 U.S.C. 2116(g)), within 3 years after the date of enactment of this Act, and make that revised document available on the Internet.

SEC. 114. SHARED DOCKSIDE INSPECTION FACILITIES.

(a) IN GENERAL.—The Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Transportation, the Attorney General, and the Administrator of the General Services Administration shall work with each other, the Advisory Committee, and the States to establish shared dockside inspection facilities at United States ports for Federal and State agencies.

(b) FUNDING.—Of the amounts made available under section 122(b), there may be made available to the Secretary of the Transportation, \$1,000,000 for each of fiscal years 2003, 2004, 2005, and 2006, such sums to remain available until expended, to establish shared dockside inspection facilities at United States ports in consultation with the Secretary of the Treasury, the Secretary of Agriculture, and the Attorney General.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation \$1,000,000 for fiscal year 2002 to establish shared dockside inspection facilities at United States ports in consultation with the Secretary of the Treasury, the Secretary of Agriculture, and the Attorney General.

SEC. 115. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR CARGO AND PASSENGERS AND OTHER IMPROVED CUSTOMS REPORTING PROCEDURES.

(a) CARGO INFORMATION.—

(1) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) by striking "Any manifest" and inserting "(1) Any manifest"; and

(B) by adding at the end the following new paragraph:

"(2)(A) In addition to any other requirement under this section, for every land, air, or vessel carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide by electronic transmission cargo manifest information described in subparagraph (B) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe. The Secretary may exclude any class of land, aircraft, or vessel for which he concludes the requirements of this subparagraph are not necessary.

"(B) The information described in this subparagraph is as follows:

"(i) The port of arrival or departure, whichever is applicable.

"(ii) The carrier code, prefix code, or both.

"(iii) The flight, voyage, or trip number.

"(iv) The date of scheduled arrival or date of scheduled departure, as the case may be.

"(v) The request for permit to proceed to the destination, if applicable.

"(vi) The numbers and quantities from the carrier's master air waybill, bills of lading, or ocean bills of lading.

"(vii) The first port of lading of the cargo.

"(viii) A description and weight of the cargo or, for a sealed container, the shipper's declared description and weight of the cargo.

"(ix) The shippers name and address from all air waybills and bills of lading.

"(x) The consignee's name and address from all air waybills and bills of lading.

"(xi) Notice that actual boarded quantities are not equal to air waybill or bills of lading quantities, except that a carrier is not required by this clause to verify boarded quantities of cargo in sealed containers.

"(xii) Transfer or transit information for the cargo while it has been under the control of the carrier.

"(xiii) Warehouse or other location of the cargo while it has been under the control of the carrier.

"(xiv) Any additional information that the Secretary by regulation determines is reasonably necessary to ensure aviation, maritime, and surface transportation safety pursuant to those laws enforced and administered by the Customs Service.

"(3) The Secretary by regulation shall require nonvessel operating common carriers to meet the requirements of subparagraphs (A) and (B)."

(2) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting "or subsection (b)(2)" before the semicolon.

(b) DOCUMENTATION OF CARGO.—Part II of title IV of the Tariff Act of 1930 is amended by inserting after section 431 the following new section:

"SEC. 431A. DOCUMENTATION OF WATERBORNE CARGO.

"(a) APPLICABILITY.—This section shall apply to all cargo to be exported moving by a vessel common carrier from a port in the United States.

"(b) DOCUMENTATION REQUIRED.—(1) No shipper of cargo subject to this section (including an ocean transportation intermediary that is a nonvessel-operating common carrier (as defined in section 3(17)(B) of the Shipping Act of 1984 (46 U.S.C. App. 1702(17)(B))) may tender or cause to be tendered to a vessel common carrier cargo subject to this section for loading on a vessel in a United States port, unless such cargo is properly documented pursuant to this subsection.

"(2) For the purposes of this subsection, cargo shall be considered properly documented if the shipper submits to the vessel common carrier or its agent a complete set of shipping documents no later than 24 hours after the cargo is delivered to the marine terminal operator.

"(3) A complete set of shipping documents shall include—

"(A) for shipments for which a shipper's export declaration is required a copy of the export declaration or, if the shipper files such declarations electronically in the Automated Export system, the complete bill of lading, and the master or equivalent shipping instructions including the shipper's Automated Export System instructions; or

"(B) for those shipments for which a shipper's export declaration is not required, such other documents or information as the Secretary may by regulation prescribe.

"(4) The Secretary shall by regulation prescribe the time, manner, and form by which shippers shall transmit documents or information required under this subsection to the Customs Service.

"(c) LOADING UNDOCUMENTED CARGO PROHIBITED.—

"(1) No marine terminal operator (as defined in section 3(14) of the Shipping Act of 1984 (46 U.S.C. App. 1702(14))) may load, or cause to be loaded, any cargo subject to this section on a vessel unless instructed by the vessel common carrier operating the vessel that such cargo has been properly documented in accordance with this section.

"(2) When cargo is booked by one vessel common carrier to be transported on the vessel of another vessel common carrier, the booking carrier shall notify the operator of the vessel that the cargo has been properly documented in accordance with this section. The operator of the vessel may rely on such notification in releasing the cargo for loading aboard the vessel.

"(d) REPORTING OF UNDOCUMENTED CARGO.—A vessel common carrier shall notify the United States Customs Service of any cargo tendered to such carrier that is not properly documented pursuant to this section and that has remained in the marine terminal for more than 48 hours after being delivered to the marine terminal, and the location of the cargo in the marine terminal. For vessel common carriers that are members of vessel sharing agreements (or any other arrangement whereby a carrier moves cargo on another carrier's vessel), the vessel common carrier accepting the booking shall be responsible for reporting undocumented cargo, without regard to whether it operates the vessel on which the transportation is to be made.

"(e) ASSESSMENT OF PENALTIES.—Whoever violates subsection (b) of this section shall be liable to the United States for civil penalties in a monetary amount up to the value of the cargo, or the actual cost of the transportation, whichever is greater.

"(f) SEIZURE OF UNDOCUMENTED CARGO.—

"(1) Any cargo that is not properly documented pursuant to this section and has remained in the marine terminal for more than 48 hours after being delivered to the marine terminal operator shall be subject to search, seizure, and forfeiture.

"(2) The shipper of any such cargo is liable to the marine terminal operator and to the ocean carrier for demurrage and other applicable charges for any undocumented cargo which has been notified to or searched or seized by the Customs Service for the entire period the cargo remains under the order and direction of the Customs Service. The marine terminal operator and the ocean carrier shall have a lien on the cargo for the amount of the demurrage and other charges.

"(g) EFFECT ON OTHER PROVISIONS.—Nothing in this section shall be construed, interpreted, or applied to relieve or excuse any party from compliance with any obligation or requirement arising under any other law, regulation, or order with regard to the documentation or carriage of cargo."

(c) PASSENGER INFORMATION.—Part II of title IV of the Tariff Act of 1930, as amended by subsection (b), is further amended by inserting after section 431A the following new section:

"SEC. 431B. PASSENGER AND CREW MANIFEST INFORMATION REQUIRED FOR CARRIERS.

"(a) IN GENERAL.—For each person arriving or departing on an air or land carrier or vessel required to make entry or obtain clearance under the customs laws of the United States, the pilot, master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide by electronic transmission manifest information described in subsection (b) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe.

"(b) INFORMATION DESCRIBED.—The information described in this subsection shall include for each person:

“(1) Full name.

“(2) Date of birth and citizenship.

“(3) Gender.

“(4) Passport number and country of issuance.

“(5) United States visa number or resident alien card number, as applicable.

“(6) Passenger name record.

“(7) Such additional information that the Secretary, by regulation, determines is reasonably necessary to ensure aviation and maritime safety pursuant to the laws enforced or administered by the Customs Service.”

(d) DEFINITION.—Section 401 of the Tariff Act of 1930 is amended by adding at the end the following new subsections:

“(t) LAND, AIR, AND VESSEL CARRIER.—The terms ‘land carrier’, ‘air carrier’, and ‘vessel carrier’ mean a carrier that transports by land, air, or water, respectively, goods or passengers for payment or other consideration, including money or services rendered.

“(u) VESSEL COMMON CARRIER.—The term ‘vessel common carrier’ has the meaning given the term ‘ocean common carrier’ in section 3(16) of the Shipping Act of 1984 (46 U.S.C. App. 1702(16)) and the term ‘common carrier by water in interstate commerce’ as defined in section 1 of the Shipping Act, 1916 (46 U.S.C. App. 801).”

(e) OTHER REQUIREMENTS FOR IMPROVED REPORTING PROCEDURES.—In addition to the promulgation of manifesting information, the United States Customs Service shall improve reporting of goods arriving at United States ports—

(1) by promulgating regulations to require, notwithstanding sections 552 and 553 of the Tariff Act of 1930 (19 U.S.C. 1552 and 1553), at such times as Customs may require prior to the arrival of an in-bond movement of goods at the initial port of unloading, that—

(A) information shall be filed electronically identifying the consignor, consignee, country of origin, and the Harmonized Tariff Schedule of the United States 6-digit classification of the goods; and

(B) such information shall be to the best of the filer's knowledge, and shall not be considered the entry for the goods under section 484 of that Act (19 U.S.C. 1484) or subject to section 592 or 595a of that Act (19 U.S.C. 1592 or 1595a); and

(2) by distributing the information reported under the regulations promulgated under paragraph (1) or section 431(b)(2), 431A, or 431B of the Tariff Act of 1930 on a real-time basis to any Federal, State, or local government agency that has a regulatory or law-enforcement interest in the goods.

(f) EFFECTIVE DATE.—The amendments made by subsections (a) through (d) of this section shall take effect 45 days after the date of enactment of this Act.

(g) PILOT PROGRAM FOR PRECLEARING INBOUND SHIPMENTS OF WATERBORNE CARGO.—

(1) IN GENERAL.—If the Commissioner of Customs determines that information from a pilot program for inspecting, monitoring, tracking, and preclearing inbound shipments of waterborne cargo would improve the security and safety of ports, the Commissioner may develop and implement such a pilot program.

(2) PROGRAM CHARACTERISTICS.—

(A) IN GENERAL.—Any such pilot program shall—

(i) take into account, and may be organized on the basis of, prearrival information that commercial vessels entering the territorial waters of the United States or destined for United States ports are required to transmit under section 431 of the Tariff Act of 1930 (19 U.S.C. 1431) and the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.); and

(ii) be designed to meet the requirements of United States customs laws and other

laws regulating the importation of goods into the United States and to accommodate mechanisms for the collection of applicable duties upon entry or removal from warehouse of such goods.

(B) CUSTOMS CLEARANCE WAIVER.—The Commissioner may grant a waiver of any United States Customs Service post-arrival clearance requirement for goods inspected, monitored for security and integrity in transit, tracked, and precleared under any such pilot program.

(3) CONSULTATION WITH OTHER INTERESTED AGENCIES.—In developing and implementing a pilot program under paragraph (1) the Commissioner of Customs shall consult with representatives of other Federal agencies with responsibilities related to the entry of commercial goods into the United States to ensure that those agencies' missions are not compromised by the preclearance.

(4) PILOT PROGRAM TO BE TESTED AT MULTIPLE PORTS.—Any such pilot program developed and implemented by the Commissioner may be conducted at several different ports in a manner that permits analysis and evaluation of different technologies and takes into account different kinds of goods and ports with different harbor, infrastructure, climatic, geographical, and other characteristics.

(5) REPORT TO THE CONGRESS.—Within a year after a pilot program is implemented under paragraph (1), the Commissioner of Customs shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that—

(A) evaluates the pilot program and its components;

(B) states the Commissioner's view as to whether any procedure, system, or technology evaluated as part of the program offers a higher level of security than requiring imported goods to clear customs under existing procedures;

(C) states the Commissioner's view as to the integrity of the procedures, technology, or systems evaluated as part of the pilot program;

(D) makes a recommendation with respect to whether the pilot program, or any procedure, system, or technology should be incorporated in a nationwide system for preclearance of imports of waterborne goods;

(E) describes the impact of the pilot program on staffing levels at the Customs Service and the potential effect full implementation of the program on a nationwide basis would have on Customs Service staffing level; and

(F) states the Commissioner's views as to whether there is a method by which the United States could validate foreign ports so that cargo from those ports is preapproved for United States Customs Service purposes on arrival at United States ports.

SEC. 116. PREARRIVAL MESSAGES FROM VESSELS DESTINED TO UNITED STATES PORTS.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended—

(1) by striking “environment” in section 2(a) (33 U.S.C. 1221(a)) and inserting “environment, and the safety and security of United States ports and waterways,”;

(2) by striking paragraph (5) of section 4(a) (33 U.S.C. 1223(a)) and inserting the following:

“(5) require—

“(A) the receipt of pre-arrival messages from any vessel destined for a port or place subject to the jurisdiction of the United States;

“(B) the message to include any information the Secretary determines to be necessary for the control of the vessel and the

safety and security of the port, waterways, facilities, vessels, and marine environment; and

“(C) the message to be transmitted in electronic form, or otherwise as determined by the Secretary, in sufficient time to permit review before the vessel's entry into port, and deny port entry to any vessel that fails to comply with the requirements of this paragraph.”;

(3) by striking “environment” in section 5(a) (33 U.S.C. 1224(a)) and inserting “environment, and the safety and security of United States ports and waterways,”; and

(4) by adding at the end of section 5 (33 U.S.C. 1224) the following:

“Nothing in this section interferes with the Secretary's authority to require information under section 4(a)(5) before a vessel's arrival in a port or place subject to the jurisdiction of the United States.”

SEC. 117. MARITIME SAFETY AND SECURITY TEAMS.

(a) IN GENERAL.—To enhance the domestic maritime security capability of the United States, the Secretary shall establish such maritime safety and security teams as are needed to safeguard the public and protect vessels, harbors, ports, waterfront facilities, and cargo in waters subject to the jurisdiction of the United States from destruction, loss or injury from crime, or sabotage due to terrorist activity, and to respond to such activity in accordance with security plans developed under section 7 of the Ports and Waterways Safety Act (33 U.S.C. 2116).

(b) MISSION.—Each maritime safety and security team shall be trained, equipped and capable of being employed to—

(1) deter, protect against, and rapidly respond to threats of maritime terrorism;

(2) enforce moving or fixed safety or security zones established pursuant to law;

(3) conduct high speed intercepts;

(4) board, search, and seize any article or thing on a vessel or waterfront facility found to present a risk to the vessel, facility or port;

(5) rapidly deploy to supplement United States armed forces domestically or overseas;

(6) respond to criminal or terrorist acts within the port so as to minimize, insofar as possible, the disruption caused by such acts;

(7) assist with port vulnerability assessments required under this Act; and

(8) carry out other such missions as are assigned to it in support of the goals of this Act.

(c) COORDINATION WITH OTHER AGENCIES.—To the maximum extent feasible, each maritime safety and security team shall coordinate its activities with other Federal, State, and local law enforcement and emergency response agencies.

SEC. 118. RESEARCH AND DEVELOPMENT FOR CRIME AND TERRORISM PREVENTION AND DETECTION TECHNOLOGY.

(a) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary, in consultation with the Advisory Committee, shall establish a grant program to fund eligible projects for the development, testing, and transfer of technology to enhance security at United States ports with respect to security risks, including—

(A) explosives or firearms;

(B) weapons of mass destruction;

(C) chemical and biological weapons;

(D) drug and illegal alien smuggling;

(E) trade fraud; and

(F) other criminal activity.

(2) MATCHING FUNDS REQUIRED.—The maximum amount of any grant of funds made available under the program to a participant other than a department or agency of the United States for a technology development

project may not exceed 75 percent of costs of that project.

(b) **ELIGIBLE PROJECTS.**—A project is eligible for a grant under subsection (a) if it is for the construction, acquisition, testing, or deployment of surveillance equipment and technology capable of preventing or detecting terrorist or other criminal activity as determined by the Secretary.

(c) **ANNUAL ACCOUNTING; DISSEMINATION OF INFORMATION.**—The Secretary shall submit an annual summary of grants under subsection (a), together with a general description of the tests and any technology transfers under the program, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary \$15,000,000 for each of fiscal years 2002 through 2006, such sums to remain available until expended.

SEC. 119. EXTENSION OF SEAWARD JURISDICTION.

(a) **DEFINITION OF TERRITORIAL WATERS.**—Section 1 of title XIII of the Act of June 15, 1917 (50 U.S.C. 195) is amended—

(1) by striking “The term ‘United States’ as used in this Act includes” and inserting the following:

“In this Act:

“(a) **UNITED STATES.**—The term ‘United States’ includes”; and

(2) by adding at the end the following:

“(b) **TERRITORIAL WATERS.**—The term ‘territorial waters of the United States’ includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.”

(b) **CIVIL PENALTY FOR VIOLATION OF ACT OF JUNE 15, 1917.**—Section 2 of title II of the Act of June 15, 1917 (50 U.S.C. 192), is amended—

(1) by striking “IMPRISONMENT” in the section heading and inserting “IMPRISONMENT; CIVIL PENALTIES”;

(2) by inserting “(a) IN GENERAL.—” before “If” in the first undesignated paragraph;

(3) by striking “(a) If any other” and inserting “(b) APPLICATION TO OTHERS.—If any other”; and

(4) by adding at the end the following:

“(c) **CIVIL PENALTY.**—

“(1) **IMPOSITION.**—A person who is found, after notice and an opportunity for a hearing, to have violated any rule, regulation or order issued under this Act, or found to have knowingly obstructed or interfered with the exercise of any power conferred by this Act, shall be liable to the United States for a civil penalty, not to exceed \$25,000 for each violation. Each day of a continuing violation shall constitute a separate violation. The amount of such civil penalty shall be assessed by the Secretary, or the Secretary’s designee, by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

“(2) **COMPROMISE, ETC.**—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this subsection.

“(3) **COLLECTION.**—If a person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General of the United States, for collection in any appropriate district court of the United States.”.

SEC. 120. SUSPENSION OF LIMITATION ON STRENGTH OF COAST GUARD.

(a) **PERSONNEL END STRENGTHS.**—Section 661(a) of title 14, United States Code, is

amended by adding at the end the following: “If at the end of any fiscal year there is in effect a declaration of war or national emergency, the President may defer the effectiveness of any end-strength and grade distribution limitation with respect to that fiscal year prescribed by law for any military or civilian component of the Coast Guard, for a period not to exceed 6 months after the end of the war or termination of the national emergency.”.

(b) **OFFICERS IN COAST GUARD RESERVE.**—Section 724 of title 14, United States Code, is amended by adding at the end thereof the following:

“(c) **DEFERRAL OF LIMITATION.**—If at the end of any fiscal year there is in effect a declaration of war or national emergency, the President may defer the effectiveness of any end-strength and grade distribution limitation with respect to that fiscal year prescribed by law for any military or civilian component of the Coast Guard Reserve, for a period not to exceed 6 months after the end of the war or termination of the national emergency.”.

SEC. 121. ADDITIONAL REPORTS.

(a) **ADDITIONAL SECURITY NEEDS.**—Within 1 year after the date of enactment of this Act, the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the need for any additional security requirements or measures under this title in order to provide for national security and protect the flow of commerce.

(b) **ANNUAL STATUS REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—Notwithstanding section 7(c) of the Ports and Waterways Safety Act (33 U.S.C. 1226(c)), the Secretary shall report annually to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the status of port security in a form that does not compromise, or present a threat to the disclosure of security-sensitive information about, the port security vulnerability assessments conducted under this Act. The report may include recommendations for further improvements in port security measures and for any additional enforcement measures necessary to ensure compliance with the port security plan requirements of this title.

(2) **SPECIFIC PORT EVALUATION.**—The Secretary shall select a port for the purpose of evaluating security plans and enhancements and, in the first annual report under this subsection, the Secretary shall report on the progress and enhancements of security plans at that port and on how this Act has improved security at that port. The Secretary shall provide annual updates for that port in subsequent annual reports.

(c) **ANNUAL REPORT ON MARITIME SECURITY AND TERRORISM.**—Section 905 of the International Maritime and Port Security Act (46 U.S.C. App. 1802) is amended by adding at the end thereof the following: “Beginning with the first report submitted under this section after the date of enactment of the Port and Maritime Security Act of 2001, the Secretary shall include a description of activities undertaken under title I of that Act and an analysis of the effect of those activities on port security against acts of terrorism.”.

(d) **ANNUAL REPORT OF EXPENDITURE OF FUNDS FOR TRAINING OF MARITIME SECURITY PROFESSIONALS.**—The Secretary shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the expenditure of appropriated funds and the development of training and

certification programs under section 111 of this title.

(e) **ACCOUNTING.**—The Commissioner of Customs shall submit a report for each of fiscal years 2002 through 2006 to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the expenditure of funds appropriated pursuant to section 113 of this title.

(f) **REPORT ON TRAINING CENTER.**—The Commandant of the United States Coast Guard, in conjunction with the Secretary of the Navy, shall submit to Congress a report, at the time they submit their fiscal year 2004 budget, on the life cycle costs and benefits of creating a Center for Coastal and Maritime Security. The purpose of the Center would be to provide an integrated training complex to prevent and mitigate terrorist threats against coastal and maritime assets of the United States, including ports, harbors, ships, dams, reservoirs, and transport nodes.

SEC. 122. 4-YEAR REAUTHORIZATION OF TONNAGE DUTIES.

(a) **IN GENERAL.**—

(1) **EXTENSION OF DUTIES.**—Section 36 of the Act of August 5, 1909 (36 Stat. 111; 46 U.S.C. App. 121), is amended by striking “through 2002,” each place it appears and inserting “through 2006,”.

(2) **CONFORMING AMENDMENT.**—The Act entitled “An Act concerning tonnage duties on vessels entering otherwise than by sea”, approved March 8, 1910 (36 Stat. 234; 46 U.S.C. App. 132), is amended by striking “through 2002,” and inserting “through 2006,”.

(b) **AVAILABILITY OF FUNDS.**—Amounts deposited in the general fund of the Treasury as receipts of tonnage charges collected as a result of the amendments made by subsection (a) shall be made available, only to the extent provided in advance in appropriations Act, in each of fiscal years 2003 through 2006 to carry out this title, as provided in sections 102(b), 103(b), 104(b), 110(f), 111(c), 112(a) and 114(b) of this title.

(c) **RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.**—Notwithstanding section 3302 of title 31, United States Code, duties collected under section 36 of the Act of August 5, 1909 (36 Stat. 111; 46 U.S.C. App. 121) as amended by subsection (a)(1) of this section—

(1) shall be credited as offsetting collections to the account that finances the activities and services authorized by sections 110, 112, and 114 of this Act, section 7(d), (e), and (f) of the Ports and Waterways Safety Act (33 U.S.C. 2116(d), (e), and (f)) (as added by sections 102, 103, and 104 of this Act), and sections 1401 and 1402 of the Merchant Marine Act, 1936 (as added by section 111 of this Act);

(2) shall be available for expenditure only to pay the costs of such activities and services; and

(3) shall remain available until expended.

(c) **LIMITATION; DEPOSIT OF FEES.**—No amounts may be collected under section 36 of the Act of August 5, 1909 (36 Stat. 111; 46 U.S.C. App. 121) as amended by subsection (a)(1) of this section, or credited as provided by subsection (b), except to the extent provided in advance in appropriations Acts. Such amounts shall be used in each of fiscal years 2003 through 2006 as provided in sections 102(b), 103(b), 104(b), 110(f), 111(c), 112(a) and 114(b) of this title.

SEC. 123. DEFINITIONS.

In this title:

(1) **CAPTAIN-OF-THE-PORT.**—The term “Captain-of-the-Port” means the United States Coast Guard’s Captain-of-the-Port.

(2) **SECRETARY.**—Except as otherwise provided, the term “Secretary” means the Secretary of Transportation.

(4) **ADVISORY COMMITTEE.**—The term “Advisory Committee” means the National Maritime Security Advisory Committee established under section 7(d) of the Ports and Waterways Safety Act (33 U.S.C. 1226(d)).

(5) **MARINE TERMINAL OPERATOR.**—The term “marine terminal operator” has the meaning given that term in section 1702(14) of title 46, United States Code.

TITLE II—ADDITIONAL MARITIME SAFETY AND SECURITY RELATED MEASURES

SEC. 201. EXTENSION OF DEEPWATER PORT ACT TO NATURAL GAS.

The following provisions of the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.) are each amended by inserting “or natural gas” after “oil” each place it appears:

- (1) Section 2(a) (33 U.S.C. 1501(a)).
- (2) Section 3(9) (33 U.S.C. 1502(9)).
- (3) Section 4(a) (33 U.S.C. 1503(a)).
- (4) Section 5(c)(2)(G) and (H) (33 U.S.C. 1504(c)(2)(G) and (H)).
- (5) Section 5(i)(2)(B) (33 U.S.C. 1504(i)(2)(B)).
- (6) Section 5(i)(3)(C) (33 U.S.C. 1504(i)(3)(C)).
- (7) Section 8 (33 U.S.C. 1507).
- (8) Section 21(a) (33 U.S.C. 1520(a)).

SEC. 202. ASSIGNMENT OF COAST GUARD PERSONNEL AS SEA MARSHALS AND ENHANCED USE OF OTHER SECURITY PERSONNEL.

(a) **IN GENERAL.**—Section 7(b) of the Ports and Waterways Safety Act (33 U.S.C. 1226(b)) is amended—

- (1) by striking “and” after the semicolon in paragraph (1);
- (2) by striking “terrorism.” in paragraph (2) and inserting “terrorism;” and
- (3) by adding at the end the following:

“(3) dispatch properly trained and qualified armed Coast Guard personnel aboard government, private, and commercial structures and vessels to deter, prevent, or respond to acts of terrorism or otherwise provide for the safety and security of the port, waterways, facilities, marine environment, and personnel; and

“(4) require the owner and operator of a commercial structure or the owner, operator, charterer, master, or person in charge of a vessel to provide the appropriate level of security as necessary, including armed security.”.

(b) **REPORT ON USE OF NON-COAST GUARD PERSONNEL.**—The Secretary of the department in which the Coast Guard is operating shall evaluate and report to the Congress on—

- (1) the potential use of Federal, State, or local government personnel, and documented United States Merchant Marine personnel, to supplement Coast Guard personnel under section 7(b)(3) of the Ports and Waterways Safety Act (33 U.S.C. 1226(b)(3));
- (2) the possibility of using personnel other than Coast Guard personnel to carry out Coast Guard personnel functions under that section and whether additional legal authority would be necessary to use such personnel for such functions; and
- (3) the possibility of utilizing the United States Merchant Marine Academy or State maritime academies to provide training carrying out duties under that section.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating \$13,000,000 in each of the fiscal years 2002–2006 to carry out section 7(b) of the Ports and Waterways Safety Act (33 U.S.C. 1226(b)), all such funds to remain available until expended.

SEC. 203. NATIONAL MARITIME TRANSPORTATION SECURITY PLAN.

Section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226), as amended by section 106 of this Act, is amended by adding at the end the following:

“(i) **NATIONAL MARITIME TRANSPORTATION SECURITY PLAN.**—

“(1) **IN GENERAL.**—The Secretary, in consultation with appropriate Federal agencies, shall prepare and publish a National Maritime Transportation Security Plan for prevention and response to maritime crime and terrorism. The Secretary shall consult with the National Maritime Security Advisory Committee in preparation of the National Maritime Transportation Security Plan.

“(2) **CONTENTS OF PLAN.**—The Plan shall provide for efficient, coordinated, and effective action to prevent and respond to acts of maritime crime or terrorism, and shall include—

“(A) allocation of duties and responsibilities among Federal departments and agencies in coordination with State and local agencies and port authorities;

“(B) identification, procurement, maintenance, and storage of equipment and supplies;

“(C) procedures and techniques to be employed in preventing and responding to acts of crime or terrorism;

“(D) establishment of procedures for effective liaison with State and local governments and emergency responders including law enforcement and fire response;

“(E) establishment of criteria and procedures to ensure immediate and effective Federal identification of, and response to, acts of maritime crime or terrorism, that result in a substantial threat to the welfare of the United States;

“(F) designation of a Federal official to be the Federal maritime security coordinator for each area for which an area maritime security plan is required to be prepared;

“(G) establishment of procedures for the coordination of activities of—

“(i) Coast Guard maritime safety and security teams established under this section;

“(ii) Federal maritime security coordinators;

“(iii) area maritime security committees;

“(iv) local port security committees; and

“(v) the National Maritime Security Advisory Committee.

“(3) **REVISION AUTHORITY.**—The Secretary may, from time to time, as the Secretary deems advisable, revise or otherwise amend the National Maritime Transportation Security Plan.

“(4) **PLAN TO BE FOLLOWED.**—After publication of the Plan, the planning and response to acts of maritime crime and terrorism shall, to the greatest extent possible, be in accordance with the Plan.

“(5) **COPY TO THE CONGRESS.**—The Secretary shall furnish a copy of the Plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.”.

SEC. 204. AREA MARITIME SECURITY COMMITTEES AND AREA MARITIME SECURITY PLANS.

Section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226), as amended by section 203, is further amended by adding at the end the following:

“(j) **AREA MARITIME SECURITY COMMITTEES AND AREA MARITIME SECURITY PLANS.**—

“(1) **IN GENERAL.**—There is established for each area designated by the Secretary an area maritime security committee comprised of members appointed by the Secretary. The Secretary may designate any existing local port security committee as an area maritime security committee for the purposes of this subsection. The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to an area maritime security committee.

“(2) **FUNCTION.**—Each area maritime security committee, under the direction of the

Federal maritime security coordinator for its area, shall—

“(A) prepare an area maritime security plan for its area; and

“(B) work with State and local officials to enhance the contingency planning of those officials and to assure pre-planning of joint response efforts, including appropriate procedures for prevention and response to acts of maritime crime or terrorism.

“(3) **AREA MARITIME SECURITY PLAN REQUIREMENT.**—Each area maritime security committee shall prepare an area maritime security plan for its area and submit it to the Secretary for approval. The area maritime security plan shall—

“(A) when implemented in conjunction with the national maritime transportation security plan, be adequate to prevent or rapidly and effectively respond to an act of maritime crime or terrorism in or near the area;

“(B) describe the area covered by the plan, including the areas of population or special economic, environmental or national security importance that might be damaged by an act of maritime crime or terrorism;

“(C) describe in detail how the plan is integrated with other area maritime security plans, facility security plans, and vessel security plans under this section;

“(D) include any other information the Secretary requires; and

“(E) be updated periodically by the area maritime security committee.

“(4) **REVIEW BY SECRETARY.**—The Secretary shall—

“(A) review and approve area maritime security plans under this subsection; and

“(B) periodically review previously approved area maritime security plans.”.

SEC. 205. VESSEL SECURITY PLANS.

(a) **IN GENERAL.**—Section 4(a) of the Ports and Waterways Safety Act (33 U.S.C. 1223(a)) is amended—

(1) by striking “and” after the semicolon in paragraph (4);

(2) by striking “environment.” in paragraph (5) and inserting “environment; and”; and

(3) by adding at the end the following:

“(6) may issue regulations establishing requirements for vessel security plans and programs for vessels calling on United States ports.”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating \$2,000,000 for each of fiscal years 2002 through 2006 to carry out section 4(a)(6) of the Ports and Waterways Safety Act (33 U.S.C. 1223(a)(6)), such sums to remain available until expended.

SEC. 206. PROTECTION OF SECURITY-RELATED INFORMATION.

Section 7(c) of the Ports and Waterways Safety Act (33 U.S.C. 1226(c)) is amended to read as follows:

“(c) **NONDISCLOSURE OF INFORMATION.**—Notwithstanding any other provision of law, information developed under this section, and vessel security plan information developed under section 4(a)(6) of this Act (33 USC 1223(a)(6)), is not required to be disclosed to the public. This includes information related to security plans, procedures, or programs for passenger vessels or passenger terminals authorized under this Act, and any other information, including maritime facility security plans, vessel security plans and port vulnerability assessments.”.

SEC. 207. ENHANCED CARGO IDENTIFICATION AND TRACKING.

(a) **TRACKING PROGRAM.**—The Secretaries of the Treasury and Transportation shall establish a joint task force to work with ocean shippers and ocean carriers in the development of performance standards for systems

to track data for shipments, containers, and contents—

(1) to improve the capacity of shippers and others to limit cargo theft and tampering; and

(2) to track the movement of cargo, through the Global Positioning System or other systems, within the United States, particularly for in-bond shipments.

(b) **PERFORMANCE STANDARDS FOR ANTI-TAMPERING DEVICES.**—The Secretaries of the Treasury and Transportation shall work with the National Institutes of Standards and Technology to develop enhanced performance standards for in-bond seals and locks for use on or in containers used for water-borne cargo shipments.

SEC. 208. ENHANCED CREWMEMBER IDENTIFICATION.

The Secretary of Transportation, in consultation with the Attorney General, may require crewmembers aboard vessels calling on United States ports to carry and present upon demand such identification as the Secretary determines.

MOTION OFFERED BY MR. LOBIONDO

Mr. LOBIONDO. Madam Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. LOBIONDO moves that that House strike all after the enacting clause of S. 1214, and insert the text of the bill H.R. 3983, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 3983) was laid on the table.

APPOINTMENT OF CONFEREES ON S. 1214, PORT AND MARITIME SECURITY ACT OF 2001

Mr. LOBIONDO. Madam Speaker, I ask unanimous consent that the House insist on its amendment and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey? The Chair hears none, and without objection, appoints the following conferees:

From the Committee on Transportation and Infrastructure, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, KOLBE, LOBIONDO, OBERSTAR and Ms. BROWN of Florida.

From the Committee on Ways and Means, for consideration of sections 112 and 115 of the Senate bill, and section 108 of the House amendment, and modifications committed to conference: Messrs. THOMAS, CRANE and RANGEL.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. OSBORNE). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

13TH ANNIVERSARY OF TIANANMEN SQUARE MASSACRE

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

woman from California (Ms. PELOSI) is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, today we mark the 13th anniversary of one of this century's most brutal attempts to silence the voices of freedom and liberty. Thirteen years ago today, the Chinese regime shocked the world as it rolled out the tanks and crushed the pro-democracy movement taking shape in Tiananmen Square.

The authoritarian leaders of China still do not acknowledge the massacre of those brave young souls. We have not forgotten those who lost their lives for the cause of freedom. We must not forget those who are still imprisoned. Imagine that, people are still in prison 13 years later for speaking out for freedom. They have lost their liberty and the pursuit of basic human rights.

Today, we renew our call for the Chinese Government to acknowledge the massacre, free all of those who are in prison because of peaceful expression of their political and religious beliefs.

China must also allow the return and free expression of those who have been forced into exile. Mr. Speaker, in China if one speaks out for freedom, they are either imprisoned or in exile. One of those imprisoned, Wenli, founder of the China Democracy Party, is serving a 13-year sentence in a Chinese prison. Mr. Xu is one of China's bravest, most eloquent and most measured advocates of democracy. He is not calling for the downfall of the Communist Party; he is just asking for the establishment of a democratic party in China. Yet he remains behind bars, despite being gravely ill from hepatitis contracted in prison.

Mr. Speaker, the brave men and women who demonstrated for democracy in Tiananmen Square are the legitimate heirs to the legacy of our Founding Fathers. They quoted Thomas Jefferson. They built a monument fashioned after our Statue of Liberty. They looked to the United States as a beacon of hope and freedom. We looked, and still look, to them for their courage, their idealism, and their dedication to the establishment of basic human rights.

The spirit of Tiananmen Square lives on. The seeds of democracy sown in 1989 have taken root, and they will inevitably burst forth in full flowering. I really wish that we could help them.

In 1989, when many of us were concerned about the plight of those who were killed or arrested at the time of Tiananmen Square and a couple of years after that, we tried to have the U.S. weigh in. We were told at the time that we could not weigh in in favor of human rights because trade was going to improve human rights in China. Part of our complaint was indeed China's blocking of our products going into China.

At that time, the trade deficit with China was about \$2 billion a year. We thought that gave us great leverage to free the prisoners. Today, it is nearly \$2 billion a week. So for all of those

who said trade was going to improve human rights in China, sadly it has not; but we really have given away the store when it comes to trade with China because they have now a nearly \$100 billion trade deficit. Think of the leverage that would have given us.

In addition to that, one of our other concerns was China's proliferation of weapons of mass destruction. Our main concern was China's proliferation of nuclear technology to Pakistan and China's transfer of missile technology for the delivery of such a weapon to Pakistan. The administration, Democrats and Republicans alike, told us that China was going to be helpful in defusing the nuclear issue in south Asia; but, indeed, that was not the case.

Indeed, China helped build Pakistan's nuclear program. China has contributed to the explosive situation that exists in south Asia today; but at the time when we were asking for the U.S. to use its leverage to promote democratic values, to promote our exports by having fair trade policy and to use our leverage to stop China's proliferation of weapons of mass destruction, we were told that the status quo would make everything right. Certainly it has not.

I want to get back to those who are in prison, some still because of Tiananmen Square and others for their activities since. As we look to those people in China and we talk about the promotion of democratic values being a pillar of our foreign policy, they have to wonder what it means about being a pillar of our foreign policy when it comes to China. I know that there are many people in our country who, despite the policy of our government, still believe that we are a great country and that we want to promote democratic values.

Mr. Speaker, I wish I could tell my colleagues human rights in China have gotten better since 1989, but the sad fact is they have not. According to our own State Department report, authorities are still quick to suppress any person or group, whether religious, political or social, that they perceive to be a threat to government or to national stability, that is what they always say; and the citizens who sought to express openly dissenting political and religious views continue to live in an environment filled with repression.

Mr. Speaker, I just want to tell my colleagues that, call attention of our colleagues, to the lone man before the tank. The world will long remember the lone man before the tank, but I want to say here tonight that as much as the Chinese authorities may say to those in prison that they have not been forgotten, we know that in the Congress of the United States and that this country of ours, those prisoners are long remembered, and they are remembered by name, and we will mention those names as long as they are being repressed by the Chinese regime.

□ 1915

So again, Mr. Speaker, I am thankful for the opportunity to observe the June 4 massacre in China.

The SPEAKER pro tempore (Mr. OSBORNE). Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

JUNE 13 HEARING ON FILIPINO WORLD WAR II VETERANS' BENEFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I want to remind the Members of this House that on Thursday, June 13, at 3 p.m. in the afternoon, there will be a hearing before the Subcommittee on Health of the Committee on Veterans' Affairs, conducted by the honorable gentleman from Kansas (Mr. MORAN), who happens to be in the room tonight, who is the chairman of that subcommittee, on the issue of health care for Filipino World War II veterans within the Department of Veterans Affairs.

This is not a normal hearing, Mr. Speaker, but it is the culmination of almost 60 years, 60 years, of a struggle for justice and honor. During World War II, the brave Filipino soldiers were drafted into our Armed Forces by President Franklin Roosevelt. After being called into service, the soldiers served side by side with forces from the United States mainland, exhibited great courage at the epic battles of Bataan and Corregidor, and were instrumental in contributing to the successful outcome of the war. They held up the Japanese advance far beyond their calendar so we were able to prepare and harass the Japanese with guerrilla warfare during the whole time of the Japanese occupation. And what did we do after we won the war in the Pacific and in Europe? We unceremoniously deprived these soldiers of the veterans' benefits due them by the Congressional Rescissions Act passed in 1946.

Whereas there was almost a quarter of a million soldiers involved in that war from the Philippines, today there are only 60,000 who are still alive. Their last wish, Mr. Speaker, is to have the honor and dignity of being recognized by the United States as a veteran of World War II.

At this hearing on Thursday, June 13, literally a living American history will be presented to the American public. We will have testimony, both oral and written, from Filipino World War II veterans, some of whom are survivors of the infamous Death March of Bataan. We will hear testimony from Filipino veterans' organizations and from veterans' service organizations, like the American Legion, the Vietnam

Veterans of America, and the Disabled American Veterans. The ambassador from the Philippines, the Honorable Albert Del Rosario, will be a witness, as will several Members of Congress from both sides of the aisle.

A special guest witness will be Lou Diamond Phillips, born in the Philippines, and an international star, with roles in movies, television and theater. Phillips is most well-known for his role in "La Bamba," for which he received great critical acclaim. He has also starred in "Stand and Deliver," "Young Guns," and "Courage Under Fire." We welcome him and all the others who will be testifying to the need to provide Filipino World War II veterans with the recognition that is their due.

Mr. Speaker, let us recognize the bravery and gallantry of Filipino veterans. Let us give them equity, because their bravery helped us win World War II.

Mr. Speaker, I thank the chairman of the Subcommittee on Health of the Committee on Veterans' Affairs, the gentleman from Kansas (Mr. MORAN), for having this hearing, and I invite all the Members of this House to attend the historic June 13 meeting.

FORT HAYS STATE UNIVERSITY CELEBRATES CENTENNIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, first of all, I commend the gentleman from California (Mr. FILNER) for his long-term commitment and his firm dedication to the recognition of the veterans of the Philippines and look forward to that June 13 hearing in which we hope to address the issues that the gentleman from California has fought to have addressed in this Congress.

Mr. Speaker, tonight we are approaching a significant event in the history of my State and in my hometown community. Later this month, Fort Hays State University, located in Hays, Kansas, will celebrate its centennial. I wish to recognize this milestone and honor those who have contributed to the university's success over the past century.

One hundred years ago, 34 students and two faculty members gathered on the grounds of an abandoned military post to undertake an endeavor that would have consequences for generations to come. Unaware of the historical significance of their meeting, or the thousands of students that would follow in their footsteps, these early Kansans met to form the first class of what today is known as Fort Hays State University.

Years before this first class met, industrious Kansans committed themselves to the idea of transforming the former frontier fort into an educational institution. This required the

passage of legislation, which was introduced by the Kansas congressional delegation and signed into law by President William McKinley, which then transferred the ownership of the former military post to the State of Kansas and paved the way for the birth of this university.

From these simple beginnings, the university has flourished, growing to 6,000 students and 300 faculty members. Today, students learn and live in a technology-rich environment that retains a heritage of close and collegial relationships. They come to the university for a multitude of reasons, but none more compelling than the university's reputation for academic excellence and a caring faculty and staff.

Throughout the university's history, students and faculty have distinguished themselves through academic achievement. This year, students claimed national championships in debate and financial planning competitions. The university is also home to one of the most successful intercollegiate athletic programs of any school its size, boasting numerous all-American athletes and national championships.

Culturally, Fort Hays State University serves the region by offering an array of fine and performing arts and is home to the nationally renowned Sternberg Museum of Natural History.

For the past century, graduates have served the needs of Kansas, as well as influenced the Nation and the world through significant achievements, compassion, and dedication. The university has improved the lives of many by enlightening minds, serving, in the words of former University President Rarick, as a lighthouse to the people of the Great Plains.

As Fort Hays State University begins its second hundred years, I am confident that it will continue to produce graduates who, like its founders, will help society achieve its best in Kansas and beyond. Congratulations, Fort Hays State University.

TRADING AWAY OUR FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for five minutes.

Ms. KAPTUR. Mr. Speaker, I rise tonight to highlight the flaws in the Bush administration's trade policy, a plan to trade away even more of America's jobs, our national security, and even our sovereignty.

Word came today that the administration will once again try to bring back to this House an irresponsible fast track bill and seek its passage. This proposal obviously is not the road to a prosperous future for working families in our country, because throughout our country we see the fruits of NAFTA: Closed factories, a jobless recovery, and downward pressure on wages.

From Iowa to New Hampshire to the Carolinas and everywhere in between,

NAFTA has killed thousands of jobs and left working families without hope. For a multinational corporation with the ability to move production to low-wage countries like Mexico and China, NAFTA and fast track are made to order. For a textile worker in the Carolinas, a farmer in Florida or California, or an auto worker in the Great Lakes, NAFTA and fast track can spell disaster.

NAFTA passed almost eight years ago. Ask any American worker standing in an unemployment line, "How has NAFTA affected you?" It has been almost two years since Congress passed permanent normal trade relations with China. Ask any American worker standing in an unemployment line, "How has trade with China affected you?" The answer to both questions is the same: More layoffs, more factory shutdowns, and more plants being moved to China and Mexico.

If the fast track conference bill passes the House, President Bush will push Congress to pass a whole new NAFTA: NAFTA for the Americas. Basically this would mean a free trade region encompassing 34 nations in our hemisphere. To the produce-producing States like Florida and California, instead of just Mexico they will have to face an onslaught from more countries, 31 to be exact, with low wages and no environmental regulations. To our beef producers, imagine beef from Argentina imported tariff-free. Grains, citrus fruits, cut flowers, and just about every other good available in the world will be flooding our markets tariff-free.

The Founding Fathers gave Congress the power to regulate all international commerce. It is right in our Constitution. Some of our colleagues on the other side of the aisle may not know this, or worse, may not care. Our constituents did not send us here to sign over our constitutional duties to the executive branch. That is not why we were elected. They elected us to represent their interests, not only those of multinational corporations hoping to report another penny or two on their quarterly profits at the expense of America's workers.

Pick up a paper in just about any city on any given day and the report reads, "IBM to Cut 1,500 Jobs in Microelectronics Unit." Or how about this one: "Hewlett Packard CEO Carly Fiorina Sees 15,000 Job Cuts," or "Williamson-Dickie Becomes Latest Textile Employer to Close Factory." How will America defend herself without any manufacturing infrastructure? Do you really believe we should import the goods from China, Pakistan or Indonesia as substitutes for our own?

The other body fiercely debated something called Chapter 11 of the NAFTA agreement as it considered its bill. That little clause would allow a corporation from another country to sue a city, a State, or even the United States Government in an attempt to undermine our environmental, food safety, and consumer protection laws.

Take the case of a Canadian company that recently sued the State of California over a State environmental law. California banned MTBE because it was contaminating groundwater. Federalism at work; right? Not under NAFTA. Using chapter 11, the Canadian company sued the State. Not in court, but before a secret NAFTA tribunal, claiming the law was trade-restrictive.

If we cannot protect our own health and safety, we give our rights to multinational corporations. What kind of sovereignty is that? It is ridiculous that the Bush administration wants to give more power to just a few foreign companies and ignore our local communities. What kind of a trade policy is it that leads to more unemployment, more pollution, and a deterioration of our constitutional rights of sovereignty?

I would ask my colleagues to say no to more fast tracks, say no to NAFTA for the Americas, say yes to a future for working families and jobs in our own communities.

PUBLICATION OF THE RULES OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE—107TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. Goss) is recognized for five minutes.

Mr. GOSS. Mr. Speaker, pursuant to clause 2(a)(2) of Rule XI of the Rules of the House of Representatives, I hereby submit the rules of the Permanent Select Committee on Intelligence for the 107th Congress for publication in the CONGRESSIONAL RECORD.

RULES OF PROCEDURE FOR THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

1. SUBCOMMITTEES

- (a) Generally.
 - (1) Creation of subcommittees shall be by majority vote of the Committee.
 - (2) Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct.
 - (3) Subcommittees shall be governed by these rules.

For purposes of these rules, any reference herein to the "Committee" shall be interpreted to include subcommittees and the working group, unless otherwise specifically provided.

(b) Establishment of Subcommittees.

The Committee establishes the following subcommittees:

- (1) Subcommittee on Human intelligence, Analysis, and Counterintelligence;
- (2) Subcommittee on Technical and Tactical Intelligence;
- (3) Subcommittee on Intelligence Policy and National Security; and,
- (4) Subcommittee on Terrorism and Homeland Security.

For purposes of these rules, any reference herein to the "Committee" shall be interpreted to include subcommittees, unless otherwise specifically provided.

(d) Subcommittee Membership.

(1) Generally. Each Member of the Committee may be assigned to at least one of the four subcommittees.

(2) Ex Officio Membership. In the event that the Chairman and Ranking Minority

Member of the full Committee do not choose to sit as regular voting members of one or more of the subcommittees, each is authorized to sit as an ex officio Member of the subcommittees and participate in the work of the subcommittees. When sitting *ex officio*, however, they—

(A) shall not have a vote in the subcommittees; and

(B) shall not be counted for purposes of determining a quorum.

2. MEETING DAY

(a) Regular Meeting Day for the Full Committee.

(1) Generally. The regular meeting day of the Committee for the transaction of Committee business shall be the first Wednesday of each month, unless otherwise directed by the Chairman.

(2) Notice Required. Such regular business meetings shall not occur, unless Members are provided reasonable notice under these rules.

(b) Regular Meeting Day for Subcommittees.

There is no regular meeting day for subcommittees.

3. NOTICE OF MEETINGS

(a) Generally.

In the case of any meeting of the Committee, the Chief Clerk of the Committee shall provide reasonable notice to every Member of the Committee. Such notice shall provide the time and place of the meeting.

(b) Definition.

For purposes of this rule, "reasonable notice" means:

- (1) written notification;
- (2) delivered by facsimile transmission or regular mail, which is

(A) delivered no less than 24 hours prior to the event for which notice is being given, if the event is to be held in Washington, DC; or

(B) delivered no less than 48 hours prior to the event for which notice is being given, if the event is to be held outside Washington, DC.

(C) Exception.

In extraordinary circumstances only, the Chairman may, after consulting with the Ranking Minority Member, call a meeting of the Committee without providing notice, as defined in subparagraph (b), to Members of the Committee.

4. PREPARATIONS FOR COMMITTEE MEETINGS

(a) Generally.

Designated Committee Staff, as directed by the Chairman, shall brief Members of the Committee at a time sufficiently prior to any Committee meeting in order to:

- (1) assist Committee Members in preparation for such meeting; and
- (2) determine which matters Members wish considered during any meeting.

(b) Briefing Materials.

(1) Such a briefing shall, at the request of a Member, include a list of all pertinent papers, and such other materials, that have been obtained by the Committee that bear on matters to be considered at the meeting; and

(2) The staff director shall also recommend to the Chairman any testimony, papers, or other materials to be presented to the Committee at any meeting of the Committee.

5. OPEN MEETINGS

(a) Generally.

Pursuant to Rule XI of the House, but subject to the limitations of subsection (b), Committee meetings held for the transaction of business, and Committee hearings, shall be open to the public.

(b) Exceptions.

Any meeting or portion thereof, for the transaction of business, including the markup of legislation, or any hearing or portion thereof, shall be closed to the public, if:

(1) the Committee determines by record vote, in open session with a majority of the Committee present, that disclosure of the matters to be discussed may:

- (A) endanger national security;
- (B) compromise sensitive law enforcement information;
- (C) tend to defame, degrade, or incriminate any person; or
- (D) otherwise violate any law or Rule of the House.

(2) Notwithstanding paragraph (1), a vote to close a Committee hearing, pursuant to this subsection and House Rule XI shall be taken in open session—

(A) with a majority of the Committee being present; or

(B) pursuant to House Rule X, clause 11(d)(2), regardless of whether a majority is present, so long as at least two Members of the Committee are present, one of whom is a member of the Minority, and votes upon the motion.

(c) Briefings.

All Committee briefings shall be closed to the public.

6. QUORUM

(a) Hearings.

For purposes of taking testimony, or receiving evidence, a quorum shall consist of two Committee Members.

(b) Other Committee Proceedings.

For purposes of the transaction of all other Committee business, other than the consideration of a motion to close a hearing as described in rule 5(b)(2)(B), a quorum shall consist of a majority of Members.

7. REPORTING RECORD VOTES

Whenever the Committee reports any measure or matter by record vote, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of, and the votes cast in opposition to, such measure or matter.

8. PROCEDURES FOR TAKING TESTIMONY OR RECEIVING EVIDENCE

(a) Notice.

Adequate notice shall be given to all witnesses appearing before the Committee.

(b) Oath or Affirmation.

The Chairman may require testimony of witnesses to be given under oath or affirmation.

(c) Administration of Oath or Affirmation.

Upon the determination that a witness shall testify under oath or affirmation, any Member of the Committee designated by the Chairman may administer the oath or affirmation.

(d) Interrogation of Witnesses.

(1) Generally. Interrogation of witnesses before the Committee shall be conducted by Members of the Committee.

(2) Exceptions.

(A) The Chairman, in consultation with the Ranking Minority Member, may determine that Committee Staff will be authorized to question witnesses at a hearing in accordance with clause (2)(j) of House Rule XI.

(B) The Chairman and Ranking Minority Member are each authorized to designate Committee Staff to conduct such questioning.

(e) Counsel for the Witness.

(1) Generally. Witnesses before the Committee may be accompanied by counsel, subject to the requirements of paragraph (2).

(2) Counsel Clearances Required. In the event that a meeting of the Committee has been closed because the subject to be discussed deals with classified information, counsel accompanying a witness before the Committee must possess the requisite security clearance and provide proof of such clearance to the Committee at least 24 hours prior to the meeting at which the counsel intends to be present.

(3) Failure to Obtain Counsel. Any witness who is unable to obtain counsel should notify the Committee. If such notification occurs at least 24 hours prior to the witness' appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain counsel, however, will not excuse the witness from appearing and testifying.

(4) Conduct of Counsel for Witnesses. Counsel for witnesses appearing before the Committee shall conduct themselves ethically and professionally at all times in their dealings with the Committee.

(A) A majority of Members of the Committee may, should circumstances warrant, find that counsel for a witness before the Committee failed to conduct himself or herself in an ethical or professional manner.

(B) Upon such finding, counsel may be subject to appropriate disciplinary action.

(5) Temporary Removal of Counsel. The Chairman may remove counsel during any proceeding before the Committee for failure to act in an ethical and professional manner.

(6) Committee Reversal. A majority of the Members of the Committee may vote to overturn the decision of the Chairman to remove counsel for a witness.

(7) Role of Counsel for Witness.

(A) Counsel for a witness:

(i) shall not be allowed to examine witnesses before the Committee, either directly or through cross-examination; but

(ii) may submit questions in writing to the Committee that counsel wishes propounded to a witness; or

(iii) may suggest, in writing to the Committee the presentation of other evidence or the calling of other witnesses.

(B) The Committee may make such use of any such questions, or suggestions, as the Committee deems appropriate.

(f) Statements by Witnesses.

(1) Generally. A witness may make a statement, which shall be brief and relevant, at the beginning and at the conclusion of the witness' testimony.

(2) Length. Each such statements shall not exceed five minutes in length, unless otherwise determined by the Chairman.

(3) Submission to the Committee. Any witness desiring to submit a written statement for the record of the proceedings shall submit a copy of the statement to the Chief Clerk of the Committee.

(A) Such statements shall ordinarily be submitted no less than 48 hours in advance of the witness' appearance before the Committee.

(B) In the event that the hearing was called with less than 24 hours notice, written statements should be submitted as soon as practicable prior to the hearing.

(g) Objections and Ruling.

(1) Generally. Any objection raised by a witness, or counsel for the witness, shall be ruled upon by the Chairman, and such ruling shall be the ruling of the Committee.

(2) Committee Action. A ruling by the Chairman may be overturned upon a majority vote of the Committee.

(h) Transcripts.

(1) Transcript Required. A transcript shall be made of the testimony of each witness appearing before the Committee during any hearing of the Committee.

(2) Opportunity to Inspect. Any witness testifying before the Committee shall be given a reasonable opportunity to inspect the transcript of the hearing, and may be accompanied by counsel to determine whether such testimony was correctly transcribed. Such counsel:

(A) shall have the appropriate clearance necessary to review any classified aspect of the transcript; and

(B) should, to the extent possible, be the same counsel that was present for such classified testimony.

(3) Corrections.

(A) Pursuant to Rule XI of the House Rules, any corrections the witness desires to make in a transcript shall be limited to technical, grammatical, and typographical.

(B) Corrections may not be made to change the substance of the testimony.

(C) Such corrections shall be submitted in writing to the Committee within 7 days after the transcript is made available to the witness.

(D) Any questions arising with respect to such corrections shall be decided by the Chairman.

(4) Copy for the Witness. At the request of the witness, any portion of the witness' testimony given in executive session shall be made available to that witness if that testimony is subsequently quoted or intended to be made part of a public record. Such testimony shall be made available to the witness at the witness' expense.

(i) Requests to Testify.

(1) Generally. The Committee will consider requests to testify on any matter or measure pending before the Committee.

(2) Recommendations for Additional Evidence. Any person who believes that testimony, other evidence, or commentary, presented at a public hearing may tend to affect adversely that person's reputation may submit to the Committee, in writing:

(A) a request to appear personally before the Committee;

(B) a sworn statement of facts relevant to the testimony, evidence, or commentary; or

(C) proposed questions for the cross-examination of other witnesses.

(3) Committee's Discretion. The Committee may take those actions it deems appropriate with respect to such requests.

(j) Contempt Procedures. Citations for contempt of Congress shall be forwarded to the House, only if:

(1) reasonable notice is provided to all Members of the Committee of a meeting to be held to consider any such contempt recommendations;

(2) the Committee has met and considered the contempt allegations;

(3) the subject to the allegations was afforded an opportunity to state, either in writing or in person, why he or she should not be held in contempt; and

(4) the Committee agreed by majority vote to forward the citation recommendations to the House.

(k) Release of Name of Witness.

(1) Generally. At the request of a witness scheduled to be heard by the Committee, the name of that witness shall not be released publicly prior to, or after, the witness' appearance before the Committee.

(2) Exceptions. Notwithstanding paragraph (1), the Chairman may authorize the release to the public of the name of any witness scheduled to appear before the Committee.

9. INVESTIGATIONS

(a) Commencing Investigations.

(1) Generally. The Committee shall conduct investigations only if approved by the full Committee. An investigation may be initiated either:

(A) by a vote of the full Committee;

(B) at the direction of the Chairman of the full Committee, with notice to the Ranking Minority Member; or

(C) by written request of at least five Members of the full Committee, which is submitted to the Chairman.

(2) Full Committee Ratification Required.

Any investigation initiated by the Chairman pursuant to paragraphs (B) and (C) must be brought to the attention of the full Committee for approval, at the next regular meeting of the full Committee.

(b) Conducting Investigations.

An authorized investigation may be conducted by Members of the Committee or Committee Staff members designated by the Chairman, in consultation with the Ranking Minority Member, to undertake any such investigation.

10. SUBPOENAS

(a) Generally. All subpoenas shall be authorized by the Chairman of the full Committee, upon consultation with the Ranking Minority Member, or by vote of the Committee.

(b) Subpoena Contents. Any subpoena authorized by the Chairman of the full Committee, or the Committee, may compel:

- (1) the attendance of witnesses and testimony before the Committee; or
- (2) the production of memoranda, documents, records, or any other tangible item.

(c) Signing of Subpoenas. A subpoena authorized by the Chairman of the full Committee, or the Committee, may be signed by the Chairman, or by any Member of the Committee designated to do so by the Committee.

(d) Subpoena Service. A subpoena authorized by the Chairman of the full Committee, or the Committee, may be served by any person designated to do so by the Chairman.

(e) Other Requirements. Each subpoena shall have attached thereto a copy of these rules.

11. COMMITTEE STAFF

(a) Definition.

For the purpose of these rules, "Committee Staff" or "staff of the Committee" means:

- (1) employees of the Committee;
- (2) consultants to the Committee;
- (3) employees of other Government agencies detailed to the Committee; or
- (4) any other person engaged by contract, or otherwise, to perform services for, or at the request of, the Committee.

(b) Appointment of Committee Staff.

(1) Chairman's Authority. The appointment of Committee Staff shall be by the Chairman, in consultation with the Ranking Minority Member. The Chairman shall certify Committee Staff appointments to the Clerk of the House in writing.

(2) Security Clearance Required. All offers of employment for prospective Committee Staff positions shall be contingent upon:

- (A) the results of a background investigation; and
- (B) a determination by the Chairman that requirements for the appropriate security clearances have been met.

(c) Responsibilities of Committee Staff.

(1) Generally. The Committee Staff works for the Committee as a whole, under the supervision and direction of the Chairman of the Committee.

(2) Authority of the Staff Director.

(A) Unless otherwise determined by the Committee, the duties of Committee Staff shall be performed under the direct supervision and control of the staff director.

(B) Committee Staff personnel affairs and day-to-day Committee Staff administrative matters, including the security and control of classified documents and material, shall be administered under the direct supervision and control of the staff director.

(3) Staff Assistance to Minority Membership. The Committee Staff shall assist the Minority as fully as the Majority of the Committee in all matters of Committee business, and in the preparation and filing of supplemental, minority, or additional views, to the end that all points of view may be fully considered by the Committee and the House.

12. LIMIT ON DISCUSSION OF CLASSIFIED WORK OF THE COMMITTEE

(a) Prohibition.

(1) Generally. Except as otherwise provided by these rules and the Rules of the House of Representatives, Members and Committee Staff shall not at any time, either during that person's tenure as a Member of the Committee or as Committee Staff, or any-time thereafter, discuss or disclose:

(A) the classified substance of the work of the Committee;

(B) any information received by the Committee in executive session;

(C) any classified information received by the Committee from any source; or

(D) the substance of any hearing that was closed to the public pursuant to these rules or the Rules of the House.

(2) Non-Disclosure in Proceedings.

(A) Members of the Committee and the Committee Staff shall not discuss either the substance or procedure of the work of the Committee with any person not a Member of the Committee or the Committee Staff in connection with any proceeding, judicial or otherwise, either during the person's tenure as a Member of the Committee, or of the Committee Staff, or at any time thereafter, except as directed by the Committee in accordance with the Rules of the House and these rules.

(B) In the event of the termination of the Committee, Members and Committee Staff shall be governed in these matters in a manner determined by the House concerning discussions of the classified work of the Committee.

(3) Exceptions.

(A) Notwithstanding the provisions of subsection (a)(1), Members of the Committee and the Committee Staff may discuss and disclose those matters described in subsection (a)(1) with—

(i) Members and staff of the Senate Select Committee on Intelligence designated by the chairman of that committee;

(ii) the chairmen and ranking minority members of the House and Senate Committees on Appropriations and staff of those committees designated by the chairmen of those committees; and

(iii) the chairman and ranking minority member of the Subcommittee on Defense of the House Committee on Appropriations and staff of that subcommittee as designated by the chairman of that subcommittee.

(B) Notwithstanding the provisions of subsection (a)(1), Members of the Committee and the Committee Staff may discuss and disclose only that budget-related information necessary to facilitate the enactment of the annual defense authorization bill with the chairmen and ranking minority members of the House and Senate Committees on Armed Services and the staff of those committees designated by the chairmen of those committees.

(C) Notwithstanding the provisions of subsection (a)(1), Members of the Committee and the Committee staff may discuss with and disclose to the chairman and ranking minority member of a subcommittee of the House Appropriations Committee with jurisdiction over an agency or program within the National Foreign Intelligence Program (NFIP), and staff of that subcommittee as designated by the chairman of that subcommittee, only that budget-related information necessary to facilitate the enactment of an appropriations bill within which is included an appropriation for an agency or program within the NFIP.

(D) The Chairman may, in consultation with the Ranking Minority Member, upon the written request to the Chairman from the Inspector General of an element of the Intelligence Committee, grant access to Committee transcripts or documents that are relevant to an investigation of an allegation of possible false testimony or other in-

appropriate conduct before the Committee, or that are otherwise relevant to the Inspector General's investigation.

(E) Upon the written request of the head of an intelligence Community element, the Chairman may, in consultation with the Ranking Minority Member, make available Committee briefing or hearing transcripts to that element for review by that element if a representative of that element testified, presented information to the Committee, or was present at the briefing or hearing the transcript of which is requested for review.

(F) Members and Committee Staff may discuss and disclose such matters as otherwise directed by that Committee.

(b) Non-Disclosure Agreement.

(1) Generally. All Committee Staff must, before joining the Committee, agree in writing, as a condition of employment, not to divulge any classified information, which comes into such person's possession while a member of the Committee Staff, to any person not a Member of the Committee or the Committee Staff, except as authorized by the Committee in accordance with the Rules of the House and these rules.

(2) Other Requirements. In the event of the termination of the Committee, Members and Committee Staff must follow any determination by the House of Representatives, with respect to the protection of classified information received while a Member of the Committee or as Committee Staff.

(3) Requests for Testimony of Staff.

(A) All Committee Staff must, as a condition of employment, agree in writing to notify the Committee immediately of any request for testimony received while a member of the Committee Staff, or at any time thereafter, concerning any classified information received by such person while a member of the Committee staff.

(B) Committee Staff shall not disclose, in response to any such request for testimony, any such classified information, except as authorized by the Committee in accordance with the Rules of the House and these rules.

(C) In the event of the termination of the Committee, Committee Staff will be subject to any determination made by the House of Representatives with respect to any requests for testimony involving classified information received while a member of the Committee staff.

13. CLASSIFIED MATERIAL

(a) Receipt of Classified Information.

(1) Generally. In the case of any information that has been classified under established security procedures and submitted to the Committee by any source, the Committee shall receive such classified information as executive session material.

(2) Staff Receipt of Classified Materials. For purposes classified information, the Committee Staff is authorized to accept information on behalf of the Committee.

(b) Non-Disclosure of Classified Information.

Generally. Any classified information received by the Committee, from any source, shall not be disclosed to any person not a Member of the Committee or the Committee Staff, or otherwise released, except as authorized by the Committee in accord with the Rules of the House and these rules.

14. PROCEDURES RELATED TO HANDLING OF CLASSIFIED INFORMATION

(a) Security Measures.

(1) Strict Security. The Committee's offices shall operate under strict security procedures administered by the Director of Security and Registry of the Committee under the direct supervision of the staff director.

(2) U.S. Capitol Police Presence Required. At least one U.S. Capitol Police officer shall be on duty at all times outside the entrance

of Committee offices to control entry of all persons to such offices.

(3) Identification Required. Before entering the Commission's office all persons shall identify themselves to the U.S. Capitol Police officer described in paragraph (2) and to a Member of the Committee, or Committee Staff.

(4) Maintenance of Classified Materials. Classified documents shall be segregated and maintained in approved security storage locations.

(5) Examination of Classified Materials. Classified documents in the Committee's possession shall be examined in an appropriately secure manner.

(6) Prohibition on Removal of Classified Materials. Removal of any classified document from the Committee's offices is strictly prohibited, except as provided by these rules.

(7) Exception. Notwithstanding the prohibition set forth in paragraph (6), a classified document, or copy thereof, maybe removed from the Committee's offices in furtherance of official Committee business. Appropriate security procedures shall govern the handling of any classified documents removed from the Committees' offices.

(b) Access to Classified Information by Members.

All Members of the Committee shall at all times have access to all classified papers and other material received by the Committee from any source.

(c) Need-to-know.

(1) Generally. Committee Staff shall have access to any classified information provided to the Committee on a strict "need-to-know" basis, as determined by the Committee, and under the Committee's direction by the staff director.

(2) Appropriate Clearances Required. Committee Staff must have the appropriate clearance prior to any access to compartmented information.

(d) Oath.

(1) Requirement. Before any Member of the Committee, or the Committee Staff, shall have access to classified information, the following oath shall be executed:

I do solemnly swear (or affirm) that I will not disclose any classified information received in the course of my service on the House Permanent Select Committee on Intelligence, except when authorized to do so by the Committee or the House of Representatives.

(2) Copy. A copy of such executed oath shall be retained in the files of the Committee.

(2) Registry.

(1) Generally. The Committee shall maintain a registry that:

(A) provides a brief description of the content of all classified documents provided to the Committee by the executive branch that remain in the possession of the Committee; and

(B) lists by number all such documents.

(2) Designation by the Staff Director. The staff director shall designate a member of the Committee Staff to be responsible for the organization and daily maintenance of such registry.

(3) Availability. Such registry shall be available to all Members of the Committee and Committee Staff.

(f) Requests by Members of Other Committees. Pursuant to the Rules of the House, Members who are not Members of the Committee may be granted access to such classified transcripts, records, data, charts, or files of the Committee, and be admitted on a non-participatory basis to classified hearings of the Committee involving discussions of classified material in the following manner:

(1) Written Notification Required. Members who desire to examine classified mate-

rials in the possession of the Committee, or to attend Committee hearings or briefings on a non-participatory basis, must notify the Chief Clerk of the Committee in writing.

(2) Committee Consideration. The Committee shall consider each such request by non-Committee Members at the earliest practicable opportunity. The Committee shall determine, by roll call vote, what action it deems appropriate in light of all of the circumstances of each request. In its determination, the Committee shall consider:

(A) the sensitivity to the national defense or the confidential conduct of the foreign relations of the United States of the information sought;

(B) the likelihood of its being directly or indirectly disclosed;

(C) the jurisdictional interest of the Member making the request; and

(D) such other concerns, constitutional or otherwise, as may affect the public interest of the United States.

(3) Committee Action. After consideration of the Member's request, the Committee may take any action it may deem appropriate under the circumstances, including but not limited to:

(2) approving the request, in whole or part;

(3) denying the request; or

(A) providing the requested information or material in a different form than that sought by the Member.

(4) Requirements for Access by Non-Committee Members.

Prior to a non-Committee Member being given access to classified information pursuant to this subsection, the requesting Member shall—

(A) provide the Committee a copy of the oath executed by such Member pursuant to House Rule XXIII, clause 13; and

(B) agree in writing not to divulge any classified information provided to the Member pursuant to this subsection to any person not a Member of the Committee or the Committee Staff, except as otherwise authorized by the Committee in accordance with the Rules of the House and these rules.

(5) Consultation Authorized. When considering a Member's request, the Committee may consult the Director of Central Intelligence and such other officials it considers necessary.

(6) Finality of Committee Decisions.

(A) Should the Member making such a request disagree with the Committee's determination with respect to that request, or any part thereof, that Member must notify the Committee in writing of such disagreement.

(B) The Committee shall subsequently consider the matter and decide, by record vote, what further action or recommendation, if any, the Committee will take.

(g) Advising the House or Other Committees.

Pursuant to Section 501 of the National Security Act of 1947 (50 U.S.C. §413), and to the Rules of the House, the Committee shall call to the attention of the House, or to any other appropriate committee of the House, those matters requiring the attention of the House, or such other committee, on the basis of the following provisions:

(1) By Request of Committee Member. At the request of any Member of the Committee to call to the attention of the House, or any other committee, executive session material in the Committee's possession, the Committee shall meet at the earliest practicable opportunity to consider that request.

(2) Committee Consideration of Request. The Committee shall consider the following factors, among any others it deems appropriate:

(A) the effect of the matter in question on the national defense or the foreign relations of the United States.

(B) whether the matter in question involves sensitive intelligence sources and methods;

(C) whether the matter in question otherwise raises serious questions affecting the national interest; and

(D) whether the matter in question affects manners within the jurisdiction of another Committee of the House.

(3) Views of Other Committees. In examining such factors, the Committee may seek the opinion of Members of the Committee appointed from standing committees of the House with jurisdiction over the matter in question, or submissions from such other committees.

(4) Other Advice. The Committee may, during its deliberations on such requests, seek the advice of any executive branch official.

(h) Reasonable Opportunity to Examine Materials.

Before the Committee makes any decision regarding any request for access to any classified information in its possession, or a proposal to bring any matter to the attention of the House or another committee, Members of the Committee shall have a reasonable opportunity to examine all pertinent testimony, documents, or other materials in the Committee's possession that may inform their decision on the question.

(i) Notification to the House.

The Committee may bring a matter to the attention of the House when, after consideration of the factors set forth in this rule, it considers the matter in question so grave that it requires the attention of all Members of the House, and time is of the essence, or for any reason the committee finds compelling.

(j) Method of Disclosure to the House.

(1) Should the Committee decide by roll call vote that a matter requires the attention of the House as described in subsection (i), it shall make arrangements to notify the House promptly.

(2) In such cases, the Committee shall consider whether:

(A) to request an immediate secret session of the House (with time equally divided between the Majority and the Minority); or

(B) to publicly disclose the matter in question pursuant to clause 11(g) of House Rule X.

(k) Requirement to Protect Sources and Methods.

In bringing a matter to the attention of the House, or another committee, the Committee, with due regard for the protection of intelligence sources and methods, shall take all necessary steps to safeguard materials or information relating to the matter in question.

(l) Availability of Information to Other Committees.

The Committee, having determined that a matter shall be brought to the attention of another committee, shall ensure that such matter, including all classified information related to that matter, is promptly made available to the chairman and ranking minority member of such other committee.

(m) Provision of Materials.

The director of Security and Registry for the Committee shall provide a copy of these rules, and the applicable portions of the Rules of the House of Representatives governing the handling of classified information, along with those materials determined by the Committee to be made available to such other committee of the House or Member (not a Member of the Committee).

(n) Ensuring Clearances and Secure Storage.

The Director of Security and Registry shall ensure that such other committee or Member (not a Member of the Committee) receiving such classified materials may properly store classified materials in a manner

consistent with all governing rules, regulations, policies, procedures, and statutes.

(o) Log.

The Director of Security and Registry for the Committee shall maintain a written record identifying the particular classified document or material provided to such other committee or Member (not a Member of the Committee), the reasons agreed upon by the Committee for approving such transmission, and the name of the committee or Member (not a Member of the Committee) receiving such document or material.

(p) Miscellaneous Requirements.

(1) Staff Director's Additional Authority. The staff director is further empowered to provide for such additional measures, which he or she deems necessary, to protect such classified information authorized by the Committee to be provided to such other committee or Member (not a Member of the Committee).

(2) Notice to Originating Agency. In the event that the Committee authorizes the disclosure of classified information provided to the Committee by an agency of the executive branch to a Member (not a Member of the Committee) or to another committee, the Chairman may notify the providing agency of the Committee's action prior to the transmission of such classified information.

15. LEGISLATIVE CALENDAR

(a) Generally.

The Chief Clerk, under the direction of the staff director, shall maintain a printed calendar that lists:

(1) the legislative measures introduced and referred to the Committee;

(2) the status of such measures; and

(3) such other matters that the Committee may require.

(b) Revisions to the Calendar.

The calendar shall be revised from time to time to show pertinent changes.

(c) Availability.

A copy of each such revision shall be furnished to each Member, upon request.

(d) Consultation with Appropriate Government Entities.

Unless otherwise directed by the committee, legislative measures referred to the Committee shall be referred by the Chief Clerk to the appropriate department or agency of the Government for reports thereon.

16. COMMITTEE TRAVEL

(a) Authority.

The Chairman may authorize Members and Committee Staff to travel on Committee business.

(b) Requests.

(1) Member Requests. Members requesting authorization for such travel shall state the purpose and length of the trip, and shall submit such request directly to the Chairman.

(2) Committee Staff Requests. Committee Staff requesting authorization for such travel shall state the purpose and length of the trip, and shall submit such request through their supervisors to the staff director and the Chairman.

(c) Notification to Members.

(1) Generally. Members shall be notified of all foreign travel of Committee Staff not accompanying a Member.

(2) Content. All Members are to be advised, prior to the commencement of such travel, of its length, nature, and purpose.

(d) Trip Reports.

(1) Generally. A full report of all issues discussed during any Committee travel shall be submitted to the Chief Clerk of the Committee within a reasonable period of time following the completion of such trip.

(2) Availability of Reports. Such report shall be:

(A) available for the review of any Member or Committee Staff; and

(B) considered executive session material for purposes of these rules.

(e) Limitations on Travel.

(1) Generally. The Chairman is not authorized to permit travel on Committee business of Committee Staff who have not satisfied the requirements of subsection (d) of this rule.

(2) Exception. The Chairman may authorize Committee Staff to travel on Committee business, notwithstanding the requirements of subsections (d) and (e) of this rule—

(A) at the specific request of a Member of the Committee; or

(B) in the event there are circumstances beyond the control of the Committee Staff hindering compliance with such requirements.

(f) Definitions.

For purposes of this rule the term "reasonable period of time" means:

(1) no later than 60 days after returning from a foreign trip; and

(2) no later than 30 days after returning from a domestic trip.

(C) DISCIPLINARY ACTIONS

(a) Generally.

The Committee shall immediately consider whether disciplinary action shall be taken in the case of any member of the Committee Staff alleged to have failed to conform to any Rule of the House of Representatives or to these rules.

(b) Exception.

In the event the House of Representatives is:

(1) in the recess period in excess of 3 days; or

(2) has adjourned *sine die*;

the Chairman of the full Committee, in consultation with the Ranking Minority Member, may take such immediate disciplinary actions deemed necessary.

(c) Available Actions.

Such disciplinary action may include immediate dismissal from the Committee Staff.

(d) Notice to Members.

All Members shall be notified as soon as practicable, either by facsimile transmission or regular mail, of any disciplinary action taken by the Chairman pursuant to subsection (b).

(e) Reconsideration of Chairman's Actions.

A majority of the Members of the full Committee may vote to overturn the decision of the Chairman to take disciplinary action pursuant to subsection (b).

18. BROADCASTING COMMITTEE MEETINGS

Whenever any hearing or meeting conducted by the Committee is open to the public, a majority of the Committee may permit that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, subject to the provisions and in accordance with the spirit of the purposes enumerated in the Rules of the House.

19. COMMITTEE RECORDS TRANSFERRED TO THE NATIONAL ARCHIVES

(a) Generally.

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with the Rules of the House of Representatives.

(b) Notice of withholding.

The Chairman shall notify the Ranking Minority Member of any decision, pursuant to the Rules of the House of Representatives, to withhold a record otherwise available, and the matter shall be presented to the full Committee for a determination of the question of public availability on the written request of any Member of the Committee.

20. CHANGES IN RULES

(a) Generally.

These rules may be modified, amended, or repealed by vote of the full Committee.

(b) Notice of Proposed Changes.

A notice, in writing, of the proposed change shall be given to each Member at least 48 hours prior to any meeting at which action on the proposed rule change is to be taken.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for five minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. ORTIZ) is recognized for five minutes.

(Mr. ORTIZ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Ms. NORTON) is recognized for five minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

LOW VOTER TURNOUT AMONG THE YOUTH OF AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont (Mr. SANDERS) is recognized for five minutes.

Mr. SANDERS. Mr. Speaker, one of the untold and unspoken-about crises facing this country is that in many respects we are losing our democratic traditions. As you know, France recently had an election, and 80 percent of the people voted in that election. We are going to have an election in November, and the estimate is that 35, 36 percent of the American people are going to vote in our election. And, in fact, we end up having by far the lowest voter turnout of any industrialized and major nation on earth.

What makes the situation even scarier is that as low as the voter turnout in general is, it is especially low among young people, people 25 years of age or younger. And the estimates are that about 80 percent of those people do not vote. And what sociologists tell us that as these people get older, they are less likely to vote, which means the voter turnout will go down and down and down. And it is not just voter turnout, Mr. Speaker, it is that poll after poll shows that millions of Americans do not know how government functions, do not know anything about the major issues facing our country, and I think that this is a very scary situation.

With these concerns in mind, Mr. Speaker, on April 8, 2002, I held a town meeting geared toward young people, high school students. I wanted these high school students to understand

that as citizens of the United States of America, they have the right to ask their Member of Congress questions and they have the right to voice their opinions about some of the most important issues facing our State and our country. And I am proud to tell you that we had about 14 different schools and youth organizations participate in that process.

I think the American people would have been extremely proud to have heard the intelligent comments and analysis and questions that these young people asked. I am very grateful that the University of Vermont allowed us to use their facilities. I am very grateful that we had many faculty members at high schools throughout the State helping us in this project.

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Mr. Speaker, what I would like to do now is provide for the RECORD some of the very excellent testimony that we heard on that occasion.

IS NATO NECESSARY?

(On behalf of Hailey Davis)

HAILEY DAVIS: America is a great nation. It is a great nation with great abilities. Fighting distant wars just happens to be one of them. When it comes to equipment and technology needed to fight its wars, America has it all. The United States has become so independent and self-sufficient militarily and intellectually speaking, that it can put up a great fight alone. So the question arises: Do we need NATO anymore?

The fact that the United States is so much more technologically advanced than any of its NATO allies brings about an answer of: No. Frankly, we don't. We have increasingly lost every and any need for the NATO alliance, due not only to our technology but to the unilateralism of the Bush administration. He and his team tend to dislike fighting with aid from allies who might get in the way or limit America's room for military exercises.

Will the NATO nations ever fight together again? I'm quoting New York Times journalist Thomas L. Friedman here when I say that "to fight a modern war today you need four key issues: Many large transport aircraft to deploy troops to far-flung battlefields; precision-guided bombs and missiles that can hit enemy targets with a high degree of certitude, hence lowering number of civilian casualties; a large amount of special teams that can operate at night with the proper equipment; and secure and cryptic communications, so that ground and air troops can be connected in a high-tech war without the enemy listening in."

Now, America has all four of these Assets. No other nation does. Although Britain comes close, with Germany, France and Italy right behind it, the United States stands alone in its military stature. The fact that the European defense industries are not nearly as sophisticated as America's today, constitutes primarily for their dependence on the NATO alliance. Adding to this is the idea Europeans don't really feel threatened by the U.S.'s enemies, such as Bush's Axis of Evil, which includes Iraq, Iran, and North Korea, and therefore don't have much interest in spending a lot on defense. So if the Europeans really want NATO to last, perhaps they should invest more in military technology so that they can potentially fight a war alone, much like the U.S. can.

If the NATO alliance deals with countries helping each other fight wars, and America

doesn't need this help, then I ask you to consider the question: Is NATO really necessary for the United States?

CHANGE OF LEADERSHIP IN MIDDLE EAST

(On behalf of Timothy Plante)

TIMOTHY PLANTE: Okay. The current aggression in Israel and its occupied territories represent a clash between two people, the Palestinians and the Israelis, and the leadership of these two states or people represent a clash of values, and the leaders of the two people—that would be Arafat and Sharon—are both very radical in their views, and they are opposing. In order to come to an agreement and to peace, something has to change, and that is what I'm going to deal with.

Ariel Sharon epitomizes the political views of his Likud party. This party's motto is: Don't give an inch. Negotiations with the Palestinians will never happen as long as Ariel Sharon is in power. He has no intention to negotiate for peace. Sharon has actually used violence as a campaign to get into his position.

One thing that he did during the run for the election of prime minister was that he went to the Temple Mount, and he basically did it to provoke violence from the Palestinians, to make Ehud Barak look like he didn't have control over the situation in Israel. As soon as we went up there, he—although he didn't do anything, he just went up there and looked around, he did that because he knew it would tick off the Palestinians. And they started a campaign of violence in retaliation, and this made Barak look bad, and therefore Ariel Sharon came into power.

In order for Arafat to continue his campaign against the Palestinians, he has now started to be extremely aggressive against the Palestinians. The Palestinians have many martyrs, as they call them, which have been—they have been killed by the Israeli army as collateral damage, and these are women and children and men, and these people didn't intend any violence to the Israelis, but they died because the Israelis were being aggressors.

And then the Palestinians take these martyrs, and they say: Look what happens to us. We want to retaliate. So they retaliate with suicide bombers, and then Ariel Sharon wants to retaliate against the suicide bombers, and this creates a cycle of violence and destruction.

I believe the only way to end this cycle is through our allies the Israelis. Not many people know the U.S. gives, as Tim said earlier, the .1 percent—or whatever the number was, one-third of that money goes directly to the Israelis. So one-third of our foreign aid goes to the Israelis, and of that figure, \$2.04 billion is in military aid, and \$720 million is in economic aid. This is obviously showing that we are as belligerent as Sharon is, and as the Israeli Likud party is.

The only way to stop the aggression is by us altering the funding that we give to the Israeli people. If we tell Sharon that he needs to stop being violent and belligerent, he needs to stop invading these territories and stop killing people, and have his army stop doing all the negative things he is doing, he might laugh. But if we say, We are funding your country, and threaten to take away the funding, he won't have an army anymore. He will have nothing to attack with. So if we play hardball with Sharon, we will be able to influence him into bringing along peace.

Now, on the other side is Yasar Arafat. And this guy is a waffle. He picks one side that is the most popular, to stay in power. He has been in power for a very long time. He started out as a terrorist or as a freedom

fighter, he did terrorist acts, and he gained popularity. And he has changed his views on the position several times. But he does this to stay in power.

And the popular thing right now is to go against the Israelis and the Americans. So what Yasar Arafat says to the American press in English is not what he says to his own people in his language. It is completely different, and he is sending mixed messages to the world. He and his people are using the international media as a way of showing their side of the story, to gain sympathy in the international field, and this is creating problems for Israel, making them look bad, and this is creating problems for America, which has been referred to as "the big Satan."

To recap, if we force the Israelis to come to a peace agreement with the Palestinians by either giving up the occupied territories or coming to some sort of agreement, a ceasefire, the Palestinian people will find peace, they won't have as many martyrs. This will be a good thing. Because Yasar Arafat goes on popular opinion, and as popular opinion will turn towards peace instead of violence, that will bring an end to the problem in Israel.

BETTERING EDUCATION

(On behalf of Elizabeth Christolini)

ELIZABETH CHRISTOLINI: Middle East conflict. Just as I wish that someday there will be peace between the Israelis and Arabs, I wish also that there were peace in the workings of the education system within the United States. The question, then, which I propose, perhaps foolishly, is how to go about achieving this peace.

By traveling 45 minutes twice a day, five days a week to a parochial high school in Burlington. I am going to school not so much for the religious faith but rather because my parents and I felt that my local high school was not a place from which I could create a solid future.

Our assessment of both schools was done much in the same way that one's college choices may be established, by research concerning a wide variety of things, the most important of which was teacher accountability or lack thereof, the lack of accountability—by that, I mean the disregard on behalf of a teacher for his or her student, or where a student is passed through a grade despite the fact that he or she has not truly completed work satisfactorily enough to be granted admission to the next grade.

While the school I currently attend is a far cry from perfect, I feel that I have learned more than I would have had I attended my local high school. As pleased as I am to say that my education has done something to me and will enable me to do more in the future, I, at the same time, find myself thinking of the students who do attend my local high school, who are, as I am, nearly finished with their high school careers, and who may be wishing their own education had been better or different.

My belief is that, if education is to work as it ought to, there should be no need for private and public schools. There should, instead, be the same form of education available in each and every institution. In saying this, I do not mean for the creation of a flat-out equality where what is right for one is right for all, but, rather, the kind of education that I received in my high school should be given to all of the students; and vice versa, those classes and options which are not available today in my school should be maintained.

Such a sharing could be done through the creation of a new institution where a public school is interconnected or combined, whether a private or parochial school, while still

retaining the government funds, as well as the right of separation of church and state. In essence, such an institution would provide students everywhere for a better and cheaper education, thus enabling more families to have the funds needed to pay for cost of college tuition.

Within the shared schools, advanced placement, honors, remedial and other classes which catered towards a person's strengths and weaknesses would not only be available, but, as well, each would hold to a strictly followed set of prerequisites such as tests, shared recommendation for prior classes, on which admission to such a class could be based, allowing for the classes to be taught at a level specified to students who truly meet this level.

Payment of teachers would be increased, in conjunction with the more demanding set of stipulations on which these teachers would be hired. Rather than giving the position to a person simply for the fact that he or she showed up for the interview and had achieved a minimal degree, a teacher's performance in achieving this degree, as well as to their overall talent and work ethic, would be considered.

With the hiring of these qualified as well as motivated people—and I know there are some out there, as I have had the privilege to work with a few of them—there would not be the need for the constant testing as is proposed by President Bush's No Child Left Behind Act, where each child from the third to eighth grade would be tested every year in areas of math, science and English. If a teacher does his or her job not just adeptly, but, as well, enthusiastically, it stands to reason that, in combination with up-to-date facilities, the testing of students each year to ensure the continued progression of the student body would not be needed. It would be an accurate assumption to say that both teaching and learning are occurring at or above the standard level.

This new institution should be formed through the right kind of slow but effective change. The place at which to start these changes is in our current schools, public and parochial as well as private. Reform should be made to encompass a strict non-tolerance rule concerning drugs and alcohol. This action should include suggestions toward rehabilitation centers as well as the intervention programs. The following of this rule will alleviate the various student behavioral problems, and leave within each school only those truly willing to learn.

From this point, the reevaluation and decisions concerning positions held and ability of each teacher should be tested in a manner similar to the no-tolerance rule for students, whereas those teachers who do not wish to, should not, and, consequently, would not be teaching. Lastly, evaluation for the remaining teachers as well as students should be made concerning classes. A decision should be informed not only by those classes which are had and not needed, but as well as by those needed and not had.

With these changes put into effect, it is my belief that the creation of a quality high school education for each and every student in each and every institution would be on its way.

MULTINATIONAL IMPACT

(On behalf of Rebecca Lee Marquis)

REBECCA LEE MARQUIS: I would like to speak today on the subject of fast food and how it is permeating our society, promoting an unhealthy way of life, costing a tremendous amount of money in healthcare, and the immoral way in which it targets young children around the world in its advertising. Ray Crock, the founder of McDonald's, said, "A

child who loves our television commercials and brings her grandparents to a McDonald's gives us two more customers."

We are a nation of instant gratification. We live in a time when everyone moves at a fast pace. The act of eating, whether it is breakfast, lunch or dinner, is no longer a social time for families. Our society used to be much more aware of what it was eating and where the food came from. As we become more isolated from food production, we become ignorant of how it is grown, processed and marketed.

Many people today consider themselves too busy to take the time to think about and prepare healthy meals. For breakfast, lunch or dinner, we quickly pull into variously shaped but strategically located buildings and emerge with breakfast sandwiches, hamburgers, fish sandwiches, fried chicken, tacos, pizza, fries, shakes, soda, and all the promotional gadgets that accompany this food. Seesaws, slides, and rainbow-colored balls are attractive, but when it gets down to brass tacks, a brand new article on fast food notes, the key to attracting kids is toys, toys, toys.

But what do we get for this trade-off of time for convenience? We get overly priced, highly processed, high-calorie, high-fat, low-nutritional food. We get food with manufactured flavors that will taste exactly the same from Boston to San Francisco to Tokyo. These types of eating habits have led us to our national problem of obesity, which translates into countless related health problems, costing millions of dollars in healthcare.

The original Ronald McDonald was a man by the name of Willard Scott. He was later deemed too overweight; McDonald's wanted someone thinner to sell it burgers, shakes and fries. These facts are well-known, and, as adults, we have the ability to make informed decisions. What is appalling is that we allow these massive corporations to direct huge national advertising campaigns at our youth.

Three billion dollars a year is spent on just television advertising. That number does not include the countless other ways that advertisements are ingrained into our minds. These corporations bribe our school systems with cash payments so that they can market products to captive audiences. Instead of schools being places of exploration and learning, they risk becoming warehouses for corporations to sell products and brainwash future consumers.

We allow the same corporations to develop movies and cartoons that are nothing more than continuous advertisements. The corporation's goal is to hook its customers at younger ages so that they can create consumers for life. The chains often distribute numerous versions of a toy, encouraging repeat visits by small children.

What can we do to counter these less-than-admirable situations? We can begin to slow down and take time to learn where our food comes from and how it is processed. We can become better educated about nutrition and try to buy only foods that are grown, processed and marketed responsibly. We can learn to grow small gardens, to become better acquainted with our own health. We can lobby our government leaders to outlaw the marketing in schools and the marketing to young children. We need to stop being passive consumers or we risk becoming captive consumers.

U.S. AID TO THIRD WORLD COUNTRIES

(On behalf of Tim Fitzgerald)

TIM FITZGERALD: Foreign aid, began by the United States starting in 1941 and continued after the Second World War. This plan

for rebuilding war-torn nations became known as the Marshall Plan. About \$12 billion dollars was distributed under this plan, and it was responsible for helping the nations of Europe regain some financial stability.

Longer-reaching reconstruction was funded by the World Bank. Later, aid was given to strengthen countries' militaries, and less humanitarian aid was provided. In the late 1990s, less than one percent of the gross national product of the United States of America was used for foreign aid.

A simple analogy can be used to understand this percentage. Imagine a man who possesses 100 ears of corn, each with 100 kernels. Now, the man has many neighbors who are starving to death on a yearly basis, but the man gives away only a total of twelve kernels of corn in 1998. Not only is the percent minuscule, but part of this amount never reaches these people due to the corruption in their governments.

This may seem ridiculous, but it is what is happening with U.S. foreign aid. Instead of giving military aid to nations, it would be much more conducive to provide food and supplies to developing nations. Especially those in sub-Saharan Africa, with the AIDS epidemic continuing to plague this part of the world, this minuscule amount of financial support being given seems ludicrous.

Even with President Bush's promise of \$5 billion extra in foreign aid, there are problems. Distribution of funds and aid is a major problem. Giving aid directly to the unstable regimes which govern the poorer states is not a good policy. Work of this kind should be done directly with the population. This would be more efficient for governments that are unable to distribute aid and prevent corrupt ones from stealing it.

An important part of foreign aid is healthcare. Many African nations are unable to take care of giving children basic inoculations, let alone the staggering number of individuals living with HIV AIDS. In some places, about 35 percent of the adult population has contracted the disease. Education is also needed to help these developing nations.

But the key to healthcare is efficiency. Private healthcare organizations are leading the way with this. Vaccines often go bad while on route to those who need them, so a new type of indicator was developed to tell those containers that still retain potency from those that are past their prime. This development helps to waste as little as possible of supplies that are often in short supply anyway.

Education is an important part of foreign aid, which is often ignored. This includes people from all sections of society—men, women, children, and all ethnicities. An example of this is the amount of children being born in sub-Saharan Africa. Traditionally, families in Africa has many children, as a sign of prestige and help with work. If these families were informed how having more children is both a strain on family and country, they might have less children, thus freeing more aid and bettering the chances for survival of their child. With resources being strained less, there might be a better chance for the development of a strong body of workers who would in turn improve the economy, and ultimately the government.

Foreign aid is an important part of foreign policy and must be utilized in order to truly secure the United States of America. States in poverty are often unstable and this can translate into a hatred of the United States. For example, the average income of an individual in certain states could be under \$500. That is not to say it is the only factor involved, in certain situations. Far from it. But perhaps, if the standard of living was increased, there would be less of a sense of unrest.

Aid must, however, be reformed in two main ways. First, more must be spent by the United States on foreign aid in general. Secondly, distribution must be looked at. It is not helpful to send aid to a foreign country which does not have the means to distribute it or withholds it for some other reason. A \$5 billion increase will help, but so will increasing efficiency so that money goes further.

So, Congressman Sanders, I would ask you that, when and if legislation on foreign aid reform comes up, you work for and vote for foreign aid reform.

ARAB-ISRAEL CONFLICT

(On behalf of Pierson Booher)

PIERSON BOOHER: The increasing violence in the Middle East led many people to question our nation's policy in the region. Since the creation of the state of Israel in 1948, the United States has had fluctuating relations with Middle Eastern countries.

It took heavy convincing by President Jimmy Carter to persuade Anwar Sadat to recognize Israel and form good relations with the country and Prime Minister Menachem Begin. The Camp David accords of 1979 stirred up the Arab world, eventually resulting in the assassination of Sadat in 1981.

The Middle East is not a liberal region, but rather a land of Islamic extremists ready to defend their faith to block the spread of westernization. Back in time before the Gulf War, before Lebanon, before the Six Day War, and even before the creation of Israel, the world has been saturated with the Middle East, not because of their culture or the beauty of the land, but rather because of a prosperous natural product that floods the region: Oil.

Our nation's dependency on oil has led us to base our relations in the region solely on the influence of oil in regards to a particular problem. President Bush has attempted to find alternative sources of oil by improving regions with Russian President Vladimir Putin, and pushing for drilling in the Alaskan wildlife refuge.

The increasing numbers of suicide bombings in Israel has led many to question the definition of the word "terrorism." Terrorism can be defined as an act of violence done to a group of persons. Although there are many similarities between President Bush's terrorists and Ariel Sharon's terrorists, Bush has shifted his stance.

He recently sent envoy Anthony Zinney back to the region to help ease tensions and push for peace. Bush also sent Secretary of State Colin Powell to Israel last Thursday to bid an end to the conflict. Israeli Prime Minister Ariel Sharon recently declared war on Yasar Arafat and the PLO. Unwilling to resume peace talks until Arafat helps put an end to terrorism existing in Israel. In response Arab leaders have said that ending occupation will lead to the end of terrorism.

President Bush's war on terrorism came as a result of the September 11th tragedies, while Sharon's war on terrorism stems from the suicide bombings that have taken place for a few years, the bombings being a result of the 35-year occupation of Palestinian territories. Diplomats have said that the Arab world is looking to the United States to draw red lines for Israel, for it to withdraw its forces from Palestinian territories. In response, columnist Friedman has said, if Arab leaders have only the moral courage to draw lines around Israel's behavior, but no moral courage to decry the utterly corrupt and inept Palestinian leadership for the depravity of suicide bombers in the name of Islam, then we're going nowhere.

Sharon probably wishes he had dealt with Arafat in Beirut when he had the chance. But he did not do anything more than allow

the PLO to regroup and regain momentum. In order for the United States to have an impact on the current Arab-Israeli conflict, the country must begin working from the bottom up. We have from the Iran Contra issue that there are other anti-Israeli countries supplying Palestinian militant groups with weapons.

Unlike the Israel army, the U.S. must seek to cut off the suppliers, such as Iran. In doing so, the U.S. will destroy the lifelines of the militant groups in the region, most notably Hamas, Islamic Jihad, the Al Aqsa Brigade and another group. After the militant group's suicide bombings, all that is left is the heart of the people. Yes, no one will be able to destroy the foundation of the Palestinian struggle (inaudible) nationalism. But the destruction of those who facilitate the cause would be a decisive and crushing blow.

At a meeting with British Prime Minister Tony Blair over the weekend, the President said that Iraq would be a better place without Saddam Hussein. The same can be said about Palestine and Israel with regards to Yasar Arafat. One could also say the same about the world with regard to Osama bin Laden. But what President Bush needs to understand is that there could very well be an even more persuasive, powerful Napoleonic man looming in the background waiting for his moment to take over in a coupless revolution.

If Hussein refuses to meet the demands of the U.N. weapons inspectors, there could very well be a U.S. return to Iraq and a more dangerous successor. The United States needs to understand that our nation has become too reliant on the Middle East oil. We live in a country that is enormously dependent on a natural resource that is found in a hostile region. The U.S. must reduce their dependence on the region's oil and look elsewhere, something Bush has already begun to do.

Because of our new relations with Russia and the access of oil that is in circulation, gas prices have fallen 7.1 cents since last year, to an average of \$1.32 per gallon. A decrease in dependency on the Middle East oil reserves will help give the country more confidence and less to lose.

In the past we have based many of our diplomatic relations and war strategies around the impact it would have on our ability to obtain oil. Along with the exporting of oil, Russia could serve as a possible coalition member down the road. As a result of this retraction, the United States gives itself more leeway in the Arab world and begins to lose the title of taker.

There may never be a conclusion to the conflict between Israelis and Palestinians. The fighting has gone for so long, there does not seem to be an end in sight. The second Intifada has proven many wrong when they said that the Palestinians had no chance against the might of the Israeli defense forces.

The disciplined Israeli army is scared to work in the occupied territories, fearful that they will be killed by a suicidal Palestinian. The Massad, Israel's renowned intelligence bureau, and arguably the best in the world, has failed in providing pivotal information.

The United States' success in the Middle East begins with the successful defense of the Israeli policy of withdrawal of dependency on the region's oil. But our diplomacy in the region has been suspect in the past. We cannot handle relations in Iran. We give foreign aid to Turkey, who turns around and uses the money to oppress the Kurds. And we have angered many of the Muslims who live in the world.

The United States needs to sit down and decide exactly what stance it wants to take in the region, and deal with the problems

that result from their decision. The question now is, Can the United States step up to the plate and prove that we are the most powerful country in the world?

ALTERNATE ENERGY VEHICLES

(On behalf of Jack Fleisher and Elden Kelly)

JACK FLEISHER: We are going to be talking about alternative energy vehicles today.

Motor vehicle transportation is invaluable to people across the globe. In Vermont alone, fossil fuel comprises 65 percent of total petroleum energy use. In today's industrial society, the lifestyles of most humans depend on automotive transportation.

Unfortunately, the operation of such vehicles requires the combustion of fossil fuels that release greenhouse gases as carbon dioxide. Acting essentially as a heat-trapping gas when released into the atmosphere, carbon dioxide could potentially contribute to a rise in the global temperature. The global warming is a serious environmental concern that will significantly impact the entire world's ecology. That is why we must begin to act now by taking advantage of currently available alternative energy vehicles in Vermont as a step toward a mode of transportation that is at once environmentally sound as well as readily accessible.

ELDEN KELLY: I am going to discuss three types of alternative energy vehicles, that being electric, hybrid, and biodiesel.

First, we will direct your attention to electric vehicles. For a motor vehicle that runs on gasoline, approximately 85 cents of every dollar are consumed by smoke and heat alone, which leaves only 15 cents out of every dollar to be used in actual operation. But for the electric car, with the efficiency of a battery, 55 cents are used at the actual driving wheels.

Batteries are only getting more efficient for electric vehicles. Lithium batteries have increased the mileage capacity from 120 miles from each charge to over 300 miles. An electric car can be 97 percent cleaner than a car that runs on fossil fuels if the pollution of the electric power plants are eliminated. Electric cars will meet this efficiency standard as Vermont moved towards utilizing more alternative energy sources, such as wind and geothermal power, which Dean has mentioned as possible litigation. Over 90 percent of the daily trips made in the U.S. are under 50 miles. This is well within the range of most electric vehicles, that are about 40 to 60 miles.

JACK FLEISHER: A second type of alternative energy transportation are hybrid vehicles, which is a combination of electricity and gasoline. There are primarily two hydrocarbons available in the U.S., the Honda Insight and Toyota Prius. The power source of the Insight is called a parallel hybrid system. The car possesses a fuel tank that supplies gasoline to an engine, as well as batteries that supplies power to an electrical energy motor. Both the engine and the motor can activate the transmission at the same time, setting the wheels in motion.

As opposed to an electric vehicle, these two hybrid models never have to recharge from an external electrical power source. Instead, a set of batteries harnesses the energy dispelled from the engine, as well as the energy released from braking. The Insight, on the other hand is capable of fuel efficiency at 70 miles per gallon. The Toyota Prius is slightly different. It is comprised of a series hybrid system. In this case, a gasoline engine is used to power a generator that supplies energy to the battery's electric motor.

The Prius is equipped with a gear box that allows the vehicle to run solely on the electric motor, the gas engine, or both simultaneously. Both hybrid cars exceed the fuel efficiency of all vehicles that run solely on

gasoline, and cut greenhouse-gas emissions in half.

ELDEN KELLY: Next, we'll discuss biodiesel.

This ingenious concept springs from the fact that the oils used in modern day petroleum come from the same plants that are still around today, such as soy and palm oil. The essential oils that, after much time, produce petroleum are available immediately from nearly any vegetable substance. The oils obtained can only be used as a fuel source for diesel vehicles, due to a fundamental difference between the operation of a diesel- and gasoline-powered engines.

A diesel system uses high heat and pressure for combustion, which a gasoline-powered engine cannot provide. Biodiesel requires conditions of high heat and pressure in order to burn effectively. Fortunately, in order to use biodiesel, no modification is necessary for the working diesel engine.

The production of biodiesel is incredibly simple compared to the complex process of refining petroleum. Biodiesel is composed of only a simple mixture of vegetable oil, lye and methanol. The triglycerides present in the acids of the vegetable oil are combined with sodium and potassium hydroxide of the lye and methanol, which produces the compound methyloxide. The triglycerides react with methyloxides resulting in the formation of methyl esters, which is burnable by biodiesel, and also a by-product, glycerin.

Using biodiesel in vehicles is probably the single most inexpensive manner of operating a fuel-burning vehicle, in that its sources, vegetable oils, can be reused. Used soybean oil, for example, from a fast-food restaurant that is throwing away millions of gallons daily can be recycled in the engine of the car burning clear of greenhouse-gas emissions.

The little carbon dioxide that is released from the combustion of biodiesel is reduced by the plants in respiration. So the very sources of biodiesel plants have what help to reduce these minor emissions. A plant by-product in this way completes the natural role that plants already play in a cycle of conservation. Unlike petroleum fuel, biodiesel originates from the renewable sources that ensure a supply of energy for vehicles in the future.

Moreover, the oils used in biodiesel are available right now for usage in vehicles. 3.5 billion gallons of vegetable oil are used in the U.S. every day, and already, biodiesel companies are receiving soybean oil free, because of the current surplus of soybean oil. Excitingly, this wasted resource can be utilized in the vehicles that are now unreasonably inefficient.

No longer will we have to worry about the dwindling supply of petroleum resources, taking advantage of the more easily produced and more readily available biodiesel.

JACK FLEISHER: In conclusion, we must assert that alternative energy vehicles are not merely a scientist's gadget or a new gimmick. As responsible human beings, we must look towards ways in which we can better our actions, in order to make the world a better place for future generations. One of the ways in which we can do that is by reducing our reliance on fossil fuels, which, when consumed, result in various hazardous effects.

In recent months, concern over reliance on Middle East oil has spread because of the attacks of September 11th. Many speculated that money generated from Middle Eastern oil sales to the United States has financed terrorist operations such as the attack on the World Trade Center. Unfortunately, many politicians have responded to this concern which a renewed fervor for drilling domestically, such as in Alaska.

However, we wish to refocus this issue in terms of alternative energy vehicles, which would rid our dependence on oil altogether, ensuring that gas money doesn't end up in Al Qaeda's pockets, and that the Earth is a cleaner, cooler place for years to come.

This takes us to our next area of concern, the rise in global temperature on Earth. Throughout history, major shifts in temperature—

CONGRESSMAN SANDERS: I will ask you to try to tighten it up.

ELDEN KELLY: All right.

Lastly, we will close with possible ways to institute alternative energy vehicles in Vermont. To place emphasis on improved efficiency of such vehicles, tax incentives to be supplied for owners of biodiesel, electric and hybrid vehicles.

An active public campaign needs to be launched, with the goal in mind and educate motorists of the environmental impact of cars that run on fossil fuel, and to make them aware of the attainability of these greatly affordable, available and simple vehicles that do not impact the environment negatively.

Already, alternative energy vehicles are in promotion across the U.S. The organization E-Vermont has been testing the viability of the vehicles in colder climates, and finding great success. There was concern that the vehicles would have difficulty remaining heated, since there is no direct heat source, but space heaters have been installed to solve the problem. Right here in UVM, a bus runs on biodiesel. Isn't that a testament already to the real practicality of alternative energy?

To continue our vision as concerned citizens, we wish that the government of Vermont realizes the potential of alternative-energy vehicles by making a conscious decision to make energy efficiency a top priority in transportation, and in doing so, to help the realization of alternative-energy vehicles come to fruition.

RANDOM DRUG TESTING OF STUDENTS

(On behalf of Lindy Stetson)

LINDY STETSON: I am here to discuss random drug testing throughout high schools for students participating in extracurricular activities. This is an action being taken throughout the United States.

Even though most students prefer that it wasn't an option for school authorities, I believe this is a good idea, because, as a varsity sports participant and a band member of my high school, I think that overall performance is important in athletics and in music. Everyone should be on top of their game, so to speak, which can't happen if someone on the team is using drugs throughout the game or during the season.

But I think that, if random drug testing is going to be an option, it is important about what happens once the athlete or student who participates in extracurricular activities has tested positive. I think that, at my school, we have a school policy that addresses this issue, saying, if caught using drugs or alcohol, the student is dismissed from the team for 14 calendar days, and must go through counseling.

I think this is a good start, but there needs to be a stronger form of punishment, because if a student uses drugs, then there is obviously something wrong, and they need help, which should be more than counseling. Not only has the participant harmed himself or herself, they also could cause damage to the rest of the team.

For example, look at the recent events that have happened in this winter sports season, especially at Middlebury High School, where four varsity members were caught

using alcohol during the season. They were then forced to miss ten days of the basketball season. This incident not only affected the four athletes as individuals, but it forced the team to forfeit four games, because these players were very important players on the team. But what surprised me even more was that these four athletes were still allowed to practice, but could not participate in the games.

Even though many complain random drug testing violates civil rights, I believe that you have signed a contract stating that you will not use alcohol or other drugs while participating in a sport event. I mean, look at the Olympics. Many medals have been stripped from athletes because of using drugs to enhance their performance. They have volunteered to participate in the Olympics and have been selected by their country to represent them there. And it is the same in high school athletics. You have been chosen to show your high school your ability, and other high schools throughout the state.

CIVIL RIGHTS

(On behalf of Vanessa Hinton and Thomas Lawson)

VANESSA HINTON: In the events of September 11th, we, the citizens of America, have helped expose an unsafety in America. In order to prevent any event related to terrorism, the American government has passed the Patriot's Act that allows them to take anyone into custody without reliable evidence to back up their reasons.

This is dangerous for those who criticize the government, giving the government officials the right to arrest anyone at will. The U.S. is abusing domestic liberties by detaining people suspected of terrorism and police surveillance of those who oppose government policies. The military is also holding private hearings of suspected persons without releasing information. The government is violating human rights by doing this, and are becoming terrorists themselves.

No war has been declared. So why are going to such extreme measures as this? There has been a significant increase of law enforcement to monitor technology and the Internet. Government files have been released to lower-ranking law enforcement, but not the public. They have also been given the right to tap phone lines without probable cause. How can we trust a government who doesn't give us reasons or evidence as to why they are going to such extreme measures?

THOMAS LAWSON: For example, Siem Al Aran (phonetic) a Muslim professor at the University of South Florida, was fired for reasons officials said was because of his speeches presented to a class on Muslim views. The superintendent of the school said that they felt at threat if Siem stayed, and wished they had fired him sooner. Does this not go against the First Amendment of the Constitution, freedom of speech?

Another example takes place on an American flight from Baltimore to Dallas, Wendel Shattner (phonetic) was told to leave the plane for more checks because of his dark skin and the fact that he was a federal agent carrying a gun. He had previously filled out the proper form stating that he was a federal agent, and, indeed, had a weapon. Yet Shattner got off the plane, and a flight attendant found a book labeled The Crusade through Arab Eyes. This was enough evidence to take him back to headquarters, where he was further questioned.

Maybe in order for our rights not to be violated, we should, in turn, question our leaders. If we turn our heads, we are just as guilty as the condemned.

Thank you.

NATIONAL CIVIL UNIONS

(On behalf of Chastity Norris and Kim Lunna)

CHASTITY NORRIS: We are here today to talk about civil unions. We believe that there should be a national one. I know that when Vermont passed civil unions, there were a lot of people who put up signs saying "Take Back Vermont." People didn't feel it was right for homosexuals to have the same tax benefits and marriage benefits. No matter what you call it, marriage, holy union, commitment ceremony, it's about the love between two people, no matter whether heterosexual or homosexual.

KIM LUNNA: Of course, civil union marriages have the same consequences as a heterosexual marriage. Parties to a civil union shall be responsible for the support of one another to the same degree and in the same manner as married people. The law of domestic relations, including separation and divorce, child custody, and support, and property division and maintenance, the rights of parties to a civil union with respect to a child of whom either becomes the natural parent during the term of a civil union shall be the same as those of a married couple.

CHASTITY NORRIS: From the Internet, we got summaries of talks about civil unions in other states. In November of 1998, the constitutional amendment added to Alaska's state constitution, to be valid or recognized, a marriage must exist between a man and a woman. In 1996, Arizona declared that marriage between persons of the same sex is void or prohibited, and that same-sex marriage from other states are not valid.

KIM LUNNA: According to the Declaration of Independence, we hold these truths to be self-evident, that all men created equal, that they are endowed by their creator with certain unalienable rights, that cannot be taken away, that among these are life, liberty and the pursuit of happiness. How can someone pursue happiness if they are not allowed to live their lives the same way as everyone else and show their commitment forever through marriage? We don't think that everyone is being treated equal.

CHASTITY NORRIS: Ed Flanagan is the only openly gay state auditor. His sexual orientation was not a problem five years ago, but now it is. "It is an issue in every race in Vermont," said Flanagan, a Democrat. This is about quality and fairness, and nothing more.

When people think of civil unions, they often only think of gays and lesbians. They don't think of the benefits that come from marriage, benefits such as estate, medical insurance, social security and retirement. The decision of the marriage should be up to those in the relationship, not outside people.

A solution we had was to suggest a constitutional amendment to force each state to vote on whether they believed in civil unions or not.

Thank you.

AFFORDABLE CHILDCARE

(On behalf of Amy Downs and Anissa Martin)

AMY DOWNS: We are here to make a presentation on affordable child care for everybody. We are just here to make sure that both single moms and struggling couples, whether if they're married or single, receive proper child care assistance, and for it to be a safe and educational environment.

As a person who doesn't have any kids, as opposed Anissa here, I see that some families need assistance, including those who are not on welfare and that have people working making eight dollars an hour, and that's like \$800 to \$900 a month they are just bringing in. That doesn't count the bills they have to

pay or the food to buy for their families, and other necessities to support their kids.

People are having kids at a younger age, and in order to get proper assistance they would basically have to be on welfare to be able to afford it. And if they're not on welfare, they will have to wait just a pay off their day care bills. It is not worth it to some, and they just end up falling back on welfare, and basically the whole point of the system is to get people off of welfare. That is why it is only like a five-year agreement now.

And you can't really do that if you have kids to look out for all the time. Basically, in the long run, it isn't worth dealing with the system. It doesn't help you out. It is just a waste of time, and they don't have the time, when they have kids, to worry about just it. They would rather just stay home and collect welfare, and do nothing and get everything paid for.

ANISSA MARTIN: Before I go on, kids need to stop having kids. Thank you.

Child care cost about \$468 a month in a licensed day care with no assistance. Because people are having babies at a younger age, they drop out of school and take care of them. Now, when they decide to go back to school, they are going to need help. Most get assistance, if they are single moms, to help to meet their needs. Most get assistance if they are single moms, but when you have one person that works and one person that wants to go back to school, like me, you don't get as much assistance as others would.

The system says to you, it's too much. When you are only making \$8 an hour, that is not enough. We want to make sure that there is more assistance available for those who want to work and go back to school, as well as those single moms that are out there, who are struggling to get off welfare.

And it is real hard. Me and my fiancé, I volunteered from New York to move down here to better my life, and when I went down to welfare, they did not help me. They said, well, it was a voluntary move. And I had to struggle on my own to go to school, finish my education and for my fiancé to find a good-paying job in order for us to survive. It is just me and him; I don't have no family or no one. I expected for the welfare to help me out, which they didn't. I had to do it on my own. And I am only receiving food stamps up to this day. But now we figured out, forget them, we are going to have to do it on our own. It would be really helpful if they do help me, which I am not receiving help.

TAXATION OF MINORS

(On behalf of Keith Blow, Jessica Oakes, Jessica Davis, Shirlaine Miller, and Ruhin Yuridulla)

KEITH BLOW: We are here to raise the issue of tax withdrawal from minors' paychecks. We feel it is unnecessary to withdraw federal and state taxes from people under the age of 18. We, as working teens, believe there is no need for our money to be taken away from us before we are adults.

JESSICA OAKES: In today's society of high-priced items, it is difficult for us to balance schoolwork and personal possessions such as a car, school, gas, insurance, et cetera. We work hard for the little money we earn. The reality is that we only get minimum wage, and then should be able to keep the little amount of money that we do earn. We feel we should be able to keep this money to save up for higher education, motor transportation and our personal expenses.

JESSICA DAVIS: My friend works as a cashier receiving only 5.50 per hour. This is not even minimum wage. Juggling schoolwork and a social life, he is also trying to

pay off a truck. It is taking him longer to make payments because of his small paycheck, not to mention the taxes being taken away from it. If the government took out less or no taxes from his paycheck until he was 18, he would be able to pay the truck off more efficiently and have more time to concentrate on other important issues, without worrying about not having enough money to pay for the truck.

SHIRLAINE MILLER: At this age, we are not old enough to vote, fight in the military, drink, or sign a legal document for ourselves. Therefore, the law still considers us children. With the government taking money out of our paychecks, they are taking money away from their children. If we aren't even allowed to vote, and if we have no say in what the government does, why should we pay taxes towards that?

RUHIN YURIDULLA: Thank you, Congressman Sanders. I am not a U.S. citizen, but as far as my experience is concerned, living in the other countries far from the United States, this thing of income taxes from a minor's check seems very unfair to me. Because if they did not take taxes out of our paychecks, it is likely they can get it from the food that we eat, from the utilities that we use, and from all the things we use in daily life.

So those taxes can be taken out and they can go to the government, but unlikely if they take that check, I mean, money from out of the paychecks of minors. That is like nothing, because minors have to save some money for their future. I mean, they are going to go to college, or they have to build their own lives. I think it should be, I mean, a law should be passed on this, in order to regard it as not to be taking money out of minors' paychecks.

Thanks.

KEITH BLOW: So in conclusion, we feel the government should not take out any taxes from people's paychecks that are under the age of 18. It is unfair how the government still considers us children if we are not 18, but it is hypocritical of them when they take the taxes away from us, because we can't even vote, so why should they take taxes away from us if we can't have a say in what they do with it.

JESSICA DAVIS: Taxation without representation, pretty much.

INVESTING IN CHILDREN

(On behalf of Megan Sullivan and Alex McKenzie)

MEGAN SULLIVAN: Representative Sanders, Mr. Gutman, and fellow students. Good afternoon.

My name is Megan Sullivan. I come before you now as a representative of a group of students at Harwood Union High School, in a class called Other Voices. This is a course that focuses on the suppressed and forgotten voices of past and present. We read part of a book by Jonathan Kozol entitled *Savage Inequalities*.

In this book, Mr. Kozol addresses the issues of the lack of responsibility that we as a society show for other peoples' children. Children who are not even given a chance to fail, let alone to succeed, but are put in the situation because of their financial and, many times, racial backgrounds. As a class, we explored the concept of other peoples' children, and the social implications that such a concept holds.

We are here today because we reject that concept. The children of the nation are the responsibility of the nation. We should, as citizens of these United States, provide the same opportunities to succeed in education, regardless of one's ability to pay.

We live in a state that recognizes the right to equitable education regardless of the ability to pay. Vermont's solution to the problem of inequalities between schools in the state was Act 60. Though this is a very controversial issue among Vermonters, and a complicated act, the results cannot be denied: Act 60 is making significant and steady progress in reducing inequalities in student resources.

Prior to Act 60, property-rich towns spent an average of 37 percent more per pupil compared to the poorest towns. In the fiscal year of 2002, the spending gap was less than 13 percent. Bearing in mind how well this has worked in a mere few years in Vermont, we reason that setting up a system much like Act 60 on a national level could have similar effect on a much grander scale.

The right to an equitable education is not one that is promised in the United States Constitution. However, the federal government is putting mandates on schools, ranging from funding of special education to national testing. It is not ethical to make education reform without providing adequate resources. The government does appropriate money towards education, but it is not nearly enough.

The House Minority Report, Education in Crisis, notes that, nationwide, state education cuts already total \$11.3 billion. The educational reforms included aim high by expecting all students to meet challenging standards and holding schools accountable when they fail. But if the federal government is going to hold states accountable for student performance, it must also provide the resources needed to meet new federal goals.

Failing schools cannot be turned around with decreasing funds. Federal funding is needed in schools where other peoples' children have been left behind as second-class citizens. Before we can expect them to succeed on national standardized testing, we need to level the playing field.

Mr. Sanders, as concerned students and current and future voters, we call on you and the U.S. Congress to appropriate a larger portion of the federal budget to education, and to use this funding to bring all our schools up to a collective and equitable higher standard.

ALEX MCKENZIE: Earlier in the day, students from Proctor and Brattleboro high schools spoke of the exploitation of children throughout the world as though these children are partly our responsibility. We agree. Beyond our state, beyond our nation, we seek to extend the principle that children of the world are our responsibility. We call upon our Congress to set an example for all wealthy nations of the world, to address the inequity of the public spending on the children of the world.

The issue of where our nation draws the line on who we are responsible for is one that is argued feverishly all over the world. The Declaration of Independence closes with, "We mutually pledge to each other our lives, our fortunes, and our sacred honor." And today, we make another pledge. These men felt that the people were being oppressed, so they did what they knew they must and fought back. We have come a long way since these people wrote this document, and the words they closed with should have the same meaning, purpose and dedication for everyone, but with a broader worldwide perspective.

In the past fifteen years, the world has grown significantly closer. Communication and trade is but a click of the mouse away. People are traveling more, cultures are mixing, and countries growing. Globalization, like it or not, is real and is here to stay. As our relationships with other countries grow deeper, we're creating a new community, a

global community. The community is profiting a few of the larger industrialized nations, but is failing very many undeveloped countries.

Nearly half of the people in the world live on less than two dollars a day, and a few survive on one dollar or less. Most of the people in Latin America, the Middle East and central Asia are poorer than at the Cold War's close. Africans live no longer and have no higher incomes than they did 40 years ago.

These facts are very disturbing and hard to understand. Understanding is one-dimensional. It is the comprehension of the intellect; it leads to knowledge, which we all hope we have more of now. Realization, on the other hand, is three-dimensional. It is the simultaneous comprehension of the whole body—the head, heart and physical instincts. It comes only from experiences. Life requires more than knowledge, though; life demand right action if knowledge is to come alive.

So in other words, we all know these injustices now, which leads us to the question: What are we going to do about it? If we leave it alone and continue to ignore the suffering, what use is the knowledge I have shared with you? But there are caring people in the world who are disturbed by these facts, people who feel they are part of the global community and feel it is their duty to help the people in the world by pledging their lives, their fortunes, and their sacred honor.

What needs to be addressed is how we are going to relieve these people from oppression and suffering. The answer seems to point towards a global developing project for the poor nations of the world. Right now, the World Bank wants rich countries to double their foreign aid. They have linked poverty to terrorism, as well, concluding that the security of rich nations depends on a more just distribution of wealth.

Is it right to live in a community where so many people are hungry and starving in a world with enough food for all? Where so many seek a real education and only get trained in anger and hatred? Where so many are in chains but aren't given the freedom to demand it? These people live as part of our global community, neglected to say the least.

President Bush agrees that poverty and terrorism are linked, but has taken a different approach to aid. While asking for huge increases in the military budget, his administration proposes devoting far smaller amounts to combat poverty and AIDS. A World Health Organization study concluded that, by spending \$27 million more each year to fight infectious diseases like AIDS, tuberculosis and malaria, would save 8 million lives a year in the developing world. Washington seems more interested in stamping out terrorism, rather than solving the roots of terrorism. Smart bombs have their place, but smart development assistance can be much more effective.

Many of these issues were brought up in a world leaders meeting on March 17. Development of poor nations seems to be the right way to bring the global community to a stronger, more stable position. The main concern on a lot these richer nations' minds was wealth. Essentially, it all does come down to the issue of wealth. What is wealth if not a means to a greater end? Aren't peoples' lives worth more than building weapons? Wouldn't it be smarter to invest in the children of the world to create a stronger, more stable future for the new generations to come? I guess it all comes down to the question: Would we rather pay now or pay later?

IMPACT OF TOBACCO USE

(On Behalf of Heidi Neil and Martha Mack)

HEIDI NEIL: We are going to start with a couple of facts first.

MARTHA MACK: Five hundred million people alive today will eventually be killed by tobacco. Another four million people died from tobacco-related illnesses in 2000. By the year 2030, ten million people will die each year of tobacco. Smoking-related diseases are responsible for one in ten adult deaths worldwide.

Tobacco will soon become the leading cause of death worldwide, causing more deaths than HIV mortality, automobile accidents, homicide and suicide combined.

HEIDI NEIL: Every day, approximately 80,000 to 100,000 young people around the world become addicted to tobacco. If this trend continues, 250 million children alive today will die from tobacco-related diseases.

We are speaking today on the impact of tobacco on Vermont, the United States, and, most importantly, teenagers. Teenagers are the most important and integral part of big tobacco's manipulation. The companies' advertising plan markets cigarettes directly towards teenage consumers. Millions and millions of dollars are spent annually by tobacco companies to convince teens that smoking is glamorous and hip and cool.

Cigarettes are a very interesting product to market. It's one of the few products which, if used correctly, is actually designed to kill the consumer. As we said before, four million people died in tobacco-related deaths in the year 2000. That is more than 10,000 dying each day. The tobacco companies would go out of business if they didn't pursue additional consumers to replace the customers who are dying each day.

In short, for each person who dies a tobacco-related death, tobacco companies have to replace the person. Why replace that person with another 40-year old who will die in a matter of 40 years or less?

MARTHA MACK: Tobacco companies are much smarter and more cunning than that. They market teenagers. If you start smoking as a teenager, become addicted and smoking for your entire life, big tobacco makes a lot of money off of your life and your health.

There is, however, another very important reason that younger and younger teens are the target group being marketed by the tobacco corporations. Studies have also found that if people do not start smoking cigarettes by the time they reach the age of 20, it is very unlikely they will ever start.

HEIDI NEIL: There are informed and concerned teens out there like us who are desperately trying to bring down tobacco companies, using knowledge as our weapon, to educate the masses. Margaret Mead said, "Never doubt a small group of thoughtful citizens can change the world; indeed it is the only thing that ever has."

We're trying to change the world and asking the help of Vermont legislature. We're looking to the legislature to pass the cigarette tax. While the 67-cent tax helps, we are sure that we here in Vermont can do much better. We are sure that we should do better. For the sake of the teens in Vermont and for the long-term health costs associated with smoking, help us change the world and Vermont.

PRESCRIPTION DRUG BENEFIT UNDER MEDICARE

The SPEAKER pro tempore (Mr. OSBORNE). Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, just as I finished before the Memorial Day break talking about the need for a

Medicare prescription drug benefit, and was very critical at the time about the fact that the Republican leadership in the House had failed to bring up a bill to address the need for a Medicare prescription drug benefit, I come back here today after the Memorial Day recess and the district work period believing stronger than ever that there is a need to pass such legislation.

We had during the course of the Memorial Day recess, a number of Members had forums, opportunities to be back in our respective States and talk to our constituents. When I came back to the floor of the House today for the votes this afternoon, I had so many colleagues come up to me, particularly on the Democratic side of the aisle, and point out this was the concern that was raised most by their constituents during the Memorial Day recess. I do not understand how the Republican leadership continues to delay and not address this issue and not bring legislation into committee and onto the floor of the House that provides for a prescription drug benefit.

We heard over a month ago that this was going to be addressed on the floor before the Memorial Day recess. Of course, that time passed. Now we hear today that they are going to address it next week. I frankly doubt it. I would not be surprised if they never address it. But I certainly intend to call upon them to address it, to basically lay out what their proposal is. But every indication we have had is that their proposal is not something that is going to be beneficial to perhaps anyone. It is not a Medicare benefit. It is basically premised on the idea that we are going to throw some money, almost like a voucher, to private insurance companies and hope that they will come up with some type of Medicare benefit, primarily for low-income seniors, not for the average senior.

We hear nothing on the Republican side that would address the issue of cost, which is what most of my constituents were asking about. They cannot afford the prices of prescription drugs, and something needs to be done about that. I have a number of colleagues here tonight that want to address this issue, and I will just start out by mentioning two editorials on the issue. One was in the New York Times, and the other was in the Star Ledger, which is our major daily in the State of New Jersey. The Star Ledger sums up how I feel. This was from May 21, and it talks about the Republican plan and it basically says what I feel about the Republican plan, although we do not have a plan, we hear rumors and press conferences about what they might do. We do not have a bill.

The editorial from the Star Ledger is titled, "An Unrealistic Drug Plan," and if I can read parts of it: "Prescription drug coverage for Medicare is something almost every politician agrees is absolutely necessary. From the beginning, the effort to create a drug program should have been part of

a comprehensive effort to update and reform Medicare. The way medicine is practiced with drugs a greater and greater share of treatment options, it is ludicrous to continue Medicare without a prescription benefit. Providing a genuine one means offering more than what the Bush administration and the House Republican leadership have been discussing. From the start, they have looked only for solutions routed in the private sector, and have continued to side step one of the most important issues, how to demand pharmaceutical price breaks worthy of Medicare's massive bargaining power.

"If Congress had ever planned to do the job right, no one would have promised what the House Republican leaders did, a quick fix that they could vote on by Memorial Day. They will not make that unreasonable deadline because Congress cannot decide which part of Medicare will get cut to beef up another part enough to cover drugs. GOP leaders are looking for \$350 billion over 10 years for their drug program, a sum that many Medicare advocates say is inadequate."

I will skip down to the end. It says: "The President took time on two occasions last week to urge congressional action on a Medicare drug plan. He reminded representatives that they face another election this November, and that their constituents will not be happy if the hottest domestic political issue, Medicare drug coverage, has not been addressed. Since the President set aside only \$190 billion over 10 years in his budget for that drug benefit, his remarks sound more like political cover than a pep talk.

"There has been enough talk and enough promises. The thing that has been lacking is candid, determined leadership."

Mr. Speaker, I could not have said it better. The main goal of our Special Order, for both myself and my colleagues, tonight is to demand that the Republicans address this issue. They say they are going to, and they have not. With that I yield to the gentlewoman from Florida (Mrs. THURMAN), who has accompanied me many nights on this issue.

Mrs. THURMAN. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE). I accompany the gentleman on these many nights because this is an issue that I feel very strongly about, as the gentleman does; and he has invested much time in this issue. Quite frankly, it is not for us, it is for our constituents who, as the gentleman suggested, when we go home over breaks like this where we are out in the communities, and sometimes we are not even there to talk about this issue, but no matter where we go or what the issue is that we are there to talk about, this is just absolutely on people's minds, and their concerns are getting even greater.

I hope that the gentleman from Maine (Mr. ALLEN) will join in with this because I think it is important to

understand that we are now getting at that point where people are finding out whether or not their Medicare+Choice programs in fact are going to be staying in for the year, and there is a two-fold reason that is of concern. It is the only part of Medicare+Choice right now that provides a prescription drug. How ironic that they are getting paid out of the trust fund just like traditional Medicare fee-for-service, but fee-for-service does not get a prescription drug benefit, but under Medicare+Choice they do. That is uncertainty; and quite frankly, it is my dollars as everybody else's dollars that goes into that trust fund. We need a playing field that addresses the Medicare population through Medicare, and not just so a few people in fact can have this coverage.

In fact, in "Families U.S.A." there is a special report, and I hope that people will look at this, there is a big concern out there about what potentially this bill is that I understand is kind of floating out there because we have not seen it, so we do not know all of the details of it.

Today I heard there is a good possibility this will not go through the committee; it will directly come to the floor, probably through some kind of a rule that limits our ability to debate this. It will be covered with a lot of other issues because it is going to deal with are we cutting hospitals, are we going to do anything about reimbursement to doctors, what kind of technology issues we might have in speeding up the ability for technology to meet the marketplace. There is just a widespread of issues that will be contained in this Medicare bill, but the issue that becomes most important to our constituents is the issue on prescription drugs.

What this special report basically says is that the pending bill, which is similar to what was done last year which many of us voted against because of these very reasons, was that the insurance industry, acting through the Health Insurance Association of America, made clear that it had no intention of offering drug-only policies. The industry reasoned that drug-only insurance policies would be subject to adverse risk selection, that is, they would disproportionately attract consumers who have existing health conditions, are sick or disabled, and are among the oldest of the old. The failure to attract beneficiaries with low drug costs would further drive up premium prices, and lead to an increasingly unaffordable price spiral.

It also went on to say, and something that I touched on a few minutes ago in the traditional Medicare program, beneficiaries, and one thing that all of us agree with, at least here, can count on a uniform benefit no matter where they live, as the following analysis demonstrates, rely on private insurance companies to deliver drug coverage for Medicare beneficiaries rather than incorporating a drug benefit into

the Medicare program, virtually guarantees that coverage will be uneven in availability, cost and value, which is what we have right now under the Medicare+Choice program. That is just unacceptable.

I would say we have the experiences out there, look at Medigap and the costs there, most of those plans, up in the top tier are costly, and their benefits for prescription drugs are going down; they are not going not up.

Medicare+Choice, premiums are going up, benefits are going down, particularly in the area of a drug benefit and prescription drugs benefits. They are limiting them and saying we can only give generic. There may not be a generic out there because we have a problem with drug manufacturers in just being able to extend their patents. This is just a mess I think that we are in; and I think quite frankly the only reliable drug benefit that we can give to our seniors is through a Medicare plan.

Mr. Speaker, I might just say that I hope, because we are going to hear about the cost of this, I hope as we go through this week's agenda and as we start talking about the estate tax for those multimillionaires, we are going to try to figure out a way to limit it to small farmers and small businesses, make sure that they have an opportunity to continue to do business as they have been doing and to pass that business and that farm on to their families.

But let me say, if we look at the rest of the cost of that over a 10-year period of time, if it should go to repeal, pays for a drug benefit, a benefit that will help 42 million people in this country. I hope that our constituents and others will continue to look at this. I am proud to stand here with my colleagues about an issue that is probably the highest priority for Americans.

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman. I think what the gentlewoman is stressing is that the whole Republican strategy of essentially privatizing a benefit, in other words saying that we will give some insurance companies some money and hopefully they will come up with a benefit, prescription drug benefit for some seniors, does not make sense. If we look at HMOs, it is essentially what we did sort of on an experimental basis a few years ago, was to say to the HMOs if they cover some prescription drugs benefits, we will give you some money to do it. But they have not been able to do it. It is not uniform. A lot of them have dropped the coverage. I think if anything, the HMO experience shows that we cannot rely on that to provide a real prescription drug benefit.

Yet we hear from the Republican leadership constantly that they want to expand HMO options, that HMOs are still the answer to provide a prescription drug benefit, or look at other means of using the private sector. We are not opposed to the private sector, but Medicare is not a private sector

program; it is a government program. It works very well, and the logical thing to do is to expand Medicare to include a prescription drug benefit for everyone and address the cost by having the Health and Human Services Secretary basically negotiate to bring costs down.

Mrs. THURMAN. Mr. Speaker, before Medicare, we had private insurance. We have Medicare because there was no coverage under private insurance.

Mr. PALLONE. Exactly.

Mr. Speaker, I yield to the gentleman from Maine (Mr. ALLEN), who probably has drawn more attention to the cost issue than any other Member of Congress. I agree with the various proposals that he has to try to bring prices down.

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Mr. ALLEN. I thank the gentleman from New Jersey for yielding. I am pleased to be back here again with him talking about the high cost of prescription drugs and what we should do about it.

One thing that strikes me is that this is an issue that is hard to understand. This really is not a contest between the parties over the number of times we can mention the words prescription drugs, but there is a fundamental difference and the gentlewoman from Florida mentioned it. We have on the agenda this week a bill to make permanent the estate tax repeal. In other words, once again, tax cuts take a higher priority, particularly tax cuts for the wealthiest Americans, take a higher priority than providing prescription drugs at an affordable price to seniors on Medicare who simply cannot afford to take the drugs that their doctors tell them they have to take.

We saw it with the original tax cut. So much money was taken out; in fact, all of the non-Social Security surplus was taken out for the next 5 or 6 years. So when we look at which party is likely to provide real relief for prescription drugs, it will not be the party that says all the time, smaller government, lower taxes. It will be the party that says, we have a plan that will help all Medicare beneficiaries with the high cost of their prescription drugs, and that is what we are trying to do.

So here we are again revisiting a plan that the majority in this House has still not brought forward, but that we know is coming forward and we know it will be the same old, same old story. Essentially it will say, the way to provide prescription drugs for seniors is to rely on the private sector, to rely on HMOs. HMOs, Medicare managed care, otherwise known as Medicare+Choice, does not operate everywhere in the country. In fact, there are 15 States where there is no Medicare+Choice plan at all that covers prescription drugs. In another seven States, there is one Medicare+Choice plan. Where you have one of the major insurance companies providing coverage for prescription drugs to Medicare beneficiaries,

every year we see that the premium goes up and the cap on coverage goes down. There is no future here. There is no future here for the same reason that Medicare was passed in 1965. The private insurance companies do not want to cover people who are old and sick and poor. If we are going to cover everybody, and I do not mean just the very poor, I mean just ordinary retirees who are living mostly on their Social Security, that group is simply not going to get covered by these private sector plans.

But what is fundamental in my mind is the Republican plan is really an assault on rural American seniors. The reason I say that is that the 15 States which are not covered tend to be rural States in this country, the places where it is not economic for the large insurance companies to go and provide Medicare+Choice, managed care, HMO coverage. They are rural States. But all those people who live in those States, like mine, in Maine, they are all part of Medicare. When it comes to part B, the physicians services, they get treated the same way as people in other States. Why should it be that people in at least certain parts of New York and Florida and California and Texas get treated one way, but people in Maine and Vermont and Montana and Wyoming, North Dakota, Iowa, Wisconsin, Nebraska, Utah, and Arkansas get treated differently? There is no good reason for doing that. That is why we need a Medicare benefit.

I have advocated one thing you could do in the short term is simply pass the legislation that I have introduced which would provide about a 35 percent discount for all Medicare beneficiaries on all their prescription drugs at no cost to the Federal Government. It would essentially give Medicare the power to bargain with these large insurance companies and set rates that are no higher than the average in the rest of the industrialized countries, the six major industrialized countries.

If that is too simple for the other side, then we go to a Medicare benefit. And, sure, a Medicare benefit costs some money, but seniors are obviously going to be paying a significant amount, anyway. They need a benefit that is worth signing up for, that virtually everyone will sign up for, but we are not likely to see that. We are not likely to see that brought forward by the Republican majority in this House because it involves strengthening in a major way an important government program.

If you believe in smaller government and lower taxes and that is always the priority, there will always be another tax you want to cut before you take care of our seniors, and that is the dilemma that we are facing. I believe that what we are really looking for is a Medicare benefit which applies to all our seniors, which is voluntary but which is appealing, which people will sign up for and pay the monthly premium in order to get the benefit. That

is the only way to make this work. That is what the Democratic plan would do. But it will not work to create the illusion of a plan and call it a Medicare prescription drug benefit when by its very terms seniors will not sign up for it because it does not make economic sense for them to sign up for it.

We really come back to this issue we talked about last time. It was quite a spectacle last year and will be, I suspect, quite a spectacle this year. The largest and most powerful lobby in Washington, the pharmaceutical industry, will say to the Republican majority, what we need in this country is drug-only insurance policies offered by the major insurance companies, and we should provide those companies with a subsidy to encourage them to offer that kind of policy. And the insurance companies will say, We don't like that idea. There's no way we are going to offer drug-only insurance policies.

That is why it is all smoke and mirrors. That is why it is all an illusion. They have developed a plan for private insurance, private prescription drug coverage, which will not be offered and if it were in fact offered, it would not cover everybody. Rural States would be left out. Other beneficiaries would find it ineffective. This resistance, this fear of taking Medicare, the most cost-effective health care plan we have in this country, and not simply using it as the vehicle for improving the assistance to seniors on prescription drugs, it just is staggering. But that is what we are contending with. There is no question in my mind that if we are going to have equity, if we are going to have a plan that actually works in the real world, if people are going to be able to get their prescription drugs at a cost they can afford, the Republican plan that will be presented to us will not do the trick.

I want to thank the gentleman from New Jersey for organizing this Special Order and being here once again to talk through the issues, because it is not easy. Americans can often hear the words over and over again and think we are talking about the same thing, but we are not. There is a huge, fundamental difference between the two types of approaches; and what we need is to give America's seniors the same type of coverage that people working when they have prescription drug coverage get from their insurance company. American workers get their prescription drug coverage through their health insurance company. America's seniors should get their prescription drug coverage through their health care plan. It is called Medicare. It works, it is cost effective, and it is how we ought to approach this problem.

Mr. PALLONE. I want to thank the gentleman. Again, I appreciate all his efforts, particularly when he brings up the cost issue. I just wanted to say two things to comment on what he said. First of all, part of the problem that we face, and again this was happening

during the Memorial Day recess, is that the drug companies start these campaigns where they pretend and try to get the public to think that what the Republicans and the President are proposing are somehow going to be beneficial to them. We have this multi-million-dollar TV ad campaign now by a front group, United Seniors Association, that basically the drug companies have been sponsoring. Ads were running during the Memorial Day recess. I was pleased to see that a couple of weeks ago some of the groups that are concerned about seniors got together to try to expose this.

I just wanted to mention, apparently some of these groups filed a formal complaint at the Federal Trade Commission over deceptive advertising. What they point out is that what you are seeing with the drug companies now is that they are using money to basically go on TV and try to tell the American public that the Republican prescription drug proposal is a good one. Then they use money to try to essentially influence Congressmen through their campaigns to support the Republican proposal, and then they do all the advertising in general with regard to the drugs. And who is paying for it? The consumer. It is just a sad thing. It is very hard, I think, as the gentleman says, to explain to our constituents the difference between what the Democrats and the Republicans are proposing because they hear all these conflicting ads on TV.

I just wanted to say briefly and then I will yield to the gentlewoman from New York, what the Democrats have been saying is that we would like to simply add a prescription drug benefit to Medicare, to the very successful government program called Medicare that we now have that covers your hospital bills and your doctor bills. What the Democrats are proposing is very similar to what is now called part B of Medicare, which covers your doctor bills. You pay a fairly low premium, I think for your doctor bills now it is about \$40 or so a month. The amount that you would probably pay for a prescription drug benefit would be even less than that under the Democratic proposal. You have a very low deductible under part B right now. It is \$100 a year. Eighty percent of your costs are paid for by the Federal Government.

And there would be a fairly low catastrophic. In other words, after you spend a certain amount of money for that 20 percent copay, all the costs would be paid for by the Federal Government. So we are not reinventing the wheel here. We are basically saying we want a prescription drug benefit under Medicare very similar to what you have now under part B Medicare to pay for your doctor bills. And for those who cannot afford a premium just like part B, the premium is simply waived for those who are below a certain income. And then we have a cost containment measure which says that the Secretary of Health and Human Services is man-

dated to bring the cost down, to bring prices down because he has the power to negotiate for these 40 million seniors that would be part of the Medicare program.

I have no doubt that that would go far towards reducing the cost of prescription drugs. It is a very simple thing. This is what we as Democrats are proposing. It is vastly different from the privatization that the Republicans are proposing. With that, I yield to a health care professional, the gentlewoman from New York (Mrs. MCCARTHY), who is a nurse by background and who is very familiar with the issue at hand. I thank her for being here.

Mrs. MCCARTHY of New York. I thank my colleague from New Jersey for taking such leadership on this. As he had mentioned, I have spent over 30 years of my life as a nurse, so I would like to talk about why it is so important that we have a prescription drug benefit under Medicare. I am going to try and cover this a little bit widely why some people that are even younger, that are not on Medicare, on why it is so important to support this because they are going to be there one day, and I think that is important. Nobody talks about that.

I will say to you, I am only 58 years old. I am a healthy person. Yet, of course, once I turned 55, you start going for your physicals and I discovered that I had extremely high cholesterol. There is a drug on the market to help me reduce that. I tried exercise, did the diet; but apparently my problems with cholesterol are hereditary and there is nothing that can be done except being on this medication. I have been taking the medication faithfully, my cholesterol is down very low; but March 1 of this year, my prescription drugs went up 100 percent. Like I said, I am healthy and I am only taking one drug right now.

But the reason I talk about this, because our seniors were also hit with those increases, especially those in New York and in many parts of this country. That is why as a health care professional who happens to be in Congress, I am fighting to make sure that our seniors get the medication that they need to have a healthy life. Why? If our seniors are taking the medications mainly because it prolongs our life, makes our life more productive and, by the way, a lot of times these seniors because they are productive are continuing to work.

□ 2000

I think that is important to look at. But if they do not take their medications because they cannot afford it, what happens? They end up in the hospital, sicker than before, because the medications that they were taking, they choose to either take a half a dose or skip a day.

Now, people that are on medications have to follow the directions that the doctor or the health care provider tells

them to do. But when it comes down to our seniors that might not be able to afford prescription drugs on a monthly basis, because I have to tell the gentleman, a year and a half ago I asked all my seniors in my district to send me their prescriptions. I wanted to see how much they were paying. I wanted to really see what was going on, just in my district alone.

I was astounded by what the majority of my seniors were paying on a monthly basis. A lot of them are on fixed incomes, and a lot of them said "I do not take my medication every day." We are not talking about one drug, two drugs, three drugs; we are talking about \$700 to \$800 a month just on their medications. Some of them have absolutely no choice. They could be having a reaction to a heart medication, so they are taking that, and a lot of times it takes a lot of balance.

But it comes down to this, it really, really does. I want the American people to really understand why we as Democrats are fighting for a good prescription drug plan. We will be keeping America healthier. By the way, I cannot tell you, when I was back in my district in the last couple of weeks, how many people, young people, people that are taking care of their parents, are saying to me, "I cannot afford to help my parents anymore to pay for their prescription drugs." So not only are we hurting the elderly people, we are now seeing that, because our mothers and fathers are living longer, we are also seeing now the families being affected, because they have to help chip in to pay for their medication.

This is why it is important. If we were rewriting Medicare today, I do not even think that we would think twice about whether to put a prescription drug benefit in with it. So, again, with the amount of monies that we spend here to try certainly to keep everybody healthy, why we would not be doing something with prescription drugs, I have no idea. Let us remember, our hospitals right now are under a crunch time, and the more times that they can help their patients stay out of the hospital, that is what they want to do. Prescription drugs are the answer.

I think we have to start looking also at other ways of reducing prescription drug costs. Of course, that has to do with looking at genetic medication also. Again, here we have the pharmaceutical companies fighting us on this. All they have to do is change one little molecule in a medication and it makes it a whole new drug and it stops it from getting it on to the market. We can do things to make the American people and our seniors healthier, and, in the end, we will have a more productive society in many ways.

So I am hoping to be very honest with you. Here we are in June. We might break by the end of September, maybe October, with the legislative work that we have ahead of us. I do not know whether we are going to get to this issue now. It is really a shame, be-

cause since I have been here in Congress, which is going on 6 years, we have been talking about doing something with prescription drugs, and here we are ending another session, the 107th Congress, without really doing something.

I do not want people to be fooled. If something does get passed in this House, is it going to help the American people? Is it going to help our seniors? I think that is something that people and consumers have to be smart about.

This is where, in my opinion, seniors can get involved. They should be calling their Congressperson, they should be calling their Senators, to say to get involved and to have a prescription drug policy that they can afford. I think that is the most important thing.

Again, I thank the gentleman for his leadership, who has been talking about this issue many a night by himself.

I have to say, when I talked to health care providers, when I talked to doctors, when I talked to pharmacists, they said "we make no money on these prescription drugs," because they know that they have to make sure that their seniors get their medications. A lot of times they give it to them at cost, or a lot of times they will give them an extra couple of pills, because they know the patient is not taking it.

We are in America. We are in America. We should not even be discussing this. This is a no-brainer. It is the Federal Government's job to make sure that we keep our seniors healthy as long as possible, and that is by having good medication and making sure that our seniors can afford to take it.

With that, we should be looking at Medicare, at getting a good prescription drug plan out there. As far as I am concerned, if we do not do the right thing, we have let the American people down. I mean that with all my heart.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman. She points out as a nurse and as a health care professional one thing that I think we need to stress, and maybe I have not and a lot of us have not stressed, and that is the whole preventive aspect.

In other words, here we have all these miracle drugs that have been created in the United States, and if they are available, then people are taking them and they do not have to go to a hospital, they do not have to go to a nursing home. If they are not taking the drugs, a lot of times they are going to end up sicker, and, in the long run, because the Medicare program does provide for hospital care and for doctor care, it ends up costing the Federal Government even more money.

Even if you just look at it from a monetary point of view, one of the things we never factor in when we do a cost analysis of legislation is what the long-term savings or the long-term financial implication is. I guess the way we operate with the Congressional Budget Office, they cannot look at the 10 or 20 years over the life of the pro-

gram to see what the nature of the preventative nature of something is.

I forget a lot of times that prescription drugs are a preventative measure, and if people are able to take the drugs, they do not have to be institutionalized.

Mrs. MCCARTHY of New York. If the gentleman will yield, that is something else a lot of people, especially here in Washington, do not talk about. Like I said earlier, looking at it holistically on what the cost evaluation is, I can tell the gentleman that the longer we keep someone healthier and the less time they have to spend in the hospital, overall we are going to be bringing down our costs as far as stays in the hospital go. That is the most important thing. I think it is every health care professional's dream to be put out of business. We love our job in the health care profession, but we also know that so many things can be prevented.

As the gentleman said earlier, we have these wonderful, wonderful miracle drugs out there, but if you cannot afford to take them, they are not doing anybody any good. When these drugs come on the market, our seniors that need these medications should have the right, the absolute right, to be able to get the medications that the doctor prescribes.

By the way, let us not forget, it is the doctor that is prescribing the medication to save the patient. So, again, let us let the doctors do the job that they were trained to do and not be dictated by a lot of the pharmaceutical companies.

It is amazing. When you fly down here to Washington, I only have like a 40-minute flight, it does not matter what magazine I have anymore, there are pages and pages of advertisements about new drugs.

I think people misunderstand. We, the Federal Government, give the pharmaceutical companies a lot of money for research and development. None of us that are trying to get a Medicare prescription drug plan are trying to stymie the pharmaceutical companies from research and development. We are not, because we need to have that stimulation there to keep coming up with bigger and better drugs.

But, again, I say, are we going to go into a two-class system, where only those that can actually afford to buy the best medication that is out there do, and those that cannot do not? That is wrong. That is not what America is about.

As far as health care goes, everyone should be able to be treated equally and get the same treatment. We as nurses do not care if you are rich or poor. All we want to do is make sure that you are taken care of, the same as whether you are on one side of the room or the other side of the room.

It should come down to the same thing with prescription drugs. Everyone should be able to have their medication; everyone.

Mr. PALLONE. I thank the gentlewoman. The other thing she points out is, why are we here? Why do we come here on the floor of the House after the votes and bring this up?

I think there is a sort of dual fear on my part, and I am sure the gentlewoman's and the Democrats in general, that either the Republicans are not going to bring up anything, which is a possibility, because it keeps getting postponed, or, if they do bring something up, that the danger is it is just there for political purposes. In other words, it maybe passes this House, but never passes the Senate because there is no effort to bring up something that everyone can agree on, or it is something that sounds good, but does not really help the average person. Because, as the gentlewoman points out, who is it out there that is complaining to us? Not the very wealthy; not the poor who are on Medicaid and get prescription drugs under Medicaid; but the vast middle class. Your average person, who, right now, because their income is not low enough, they are not eligible for Medicaid and they cannot afford to pay the high prices. They are like 90 percent of the seniors who need this benefit.

I have been critical of the Republicans and I have been very partisan about it, because everything I hear is that their proposals they have been airing essentially do not cover prescription drugs for most of that middle income or middle class group. It seems like they are saying, okay, we will give some money, almost like a voucher, to insurance companies, and they will cover prescription drugs for people that are just above the poverty line, or they will see if an HMO will cover it.

But, as we know, in many parts of the country, HMOs simply are not available and they have cut back on the level of prescription drugs or how much you have to pay or what kind of benefit you get. So there is a real concern on my part that if we do get a bill, that it not be just a hoax, just a sham; that it be something that is really meaningful in terms of people's lives.

So I started this evening talking about two editorials. One was the *Star Ledger*. But I did not mention the one from *The New York Times*. I am not going to read the whole thing.

If I could just conclude, this was actually on May 28 in *The New York Times* during the break. The title is "Paralysis in Health Care." It says, "Early this year Congress and the White House entertained dreams of passing all kinds of health care legislation. President Bush and Senator KENNEDY were working on a Patients' Bill of Rights. There was even talk of enacting a prescription drug benefit for the elderly. But such talk has vanished. Lawmakers seem to be betting that voters will not punish them for inaction. But they cannot put off the issue forever."

"A decade ago, when the cost of health care was also soaring, many ex-

perts were sure they had a solution, managed care and competition. But HMOs turned out to be no magic.

"Elderly people who came out of the last election with the impression that they would inevitably get help with the cost of prescription drugs may be in for a disappointment. The Bush administration proposed spending less than \$200 billion over the next 10 years, a ridiculously low sum given the public's expectations.

"Congress Members had better take the time to listen to voters. They are likely to discover their patience is diminishing. Sooner or later the demand for health care is going to be high on the agenda, and it could happen before the election in November."

The *New York Times* is talking the political aspects of it because we know our constituents are demanding a prescription drug benefit. But it is, as I said, important for the Republicans, who are in charge here and have the obligation to, we as Democrats cannot, we do not have the majority, to not only bring up something, but bring up something that is going to be meaningful in terms of seniors' lives.

We will go at this every night until we see a proposal brought up and an opportunity to debate this on the House floor, which we have not had so far.

I yield to the gentlewoman from New York.

Mrs. MCCARTHY of New York. Mr. Speaker, again I would like to stress why it is so important. In my 30 years working as a nurse, I have seen so many different changes in our health care system. But one thing I do know is the same is that each and every person in our senior citizens, who certainly are some of our most vulnerable people, when it comes to their health care, we should make sure that they can get the best.

I have to say, I did not want to see this country go down the way where we have a two-class system. When the gentleman had mentioned the middle income, I would be considered middle income on Long Island, and yet I am certainly concerned, will I be able to afford the drugs that I might need to keep me healthy as I get older?

So that is why I am fighting. I am fighting as a health care provider, but I am also fighting because I am going to be a senior citizen one day.

I thank the gentleman again for his leadership.

BEING FISCALLY RESPONSIBLE

The SPEAKER pro tempore (Mr. KIRK). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, having heard the previous speakers, it is interesting that, time after time after time, we have my colleagues, like the gentlewoman from New York that stands up

and talks about prescription care for all people, and I am quoting here, "everyone should be able to have their prescription needs met."

□ 2015

But what the gentlewoman fails to come up with, the question she fails to answer, is how are we going to pay for it? It was not 1½ weeks ago when we were talking about the supplemental appropriation bill here on this House floor, on which the Democrats were giving stalling motion after stalling motion, alleging that the Republicans were going to spend the United States Congress into oblivion.

On one hand they complain about the spending, and on the other hand they stand up in front of the cameras and promise all good things.

In my State, in the State of Colorado, I have recently seen promises from the Democratic side of the aisle that we are going to have mass transit and that we are going to have full prescription care for all people in the State of Colorado, for all people in this country.

Look, that sounds grand, but we ought to ask of every person, every Congressman or elected representative or anybody representing either of the parties that stands up in front of us and promises us the Moon, promises us the golden key: Who pays for it?

What the gentlewoman from New York (Mrs. MCCARTHY) fails to bring up in her comments, and I say this with all due respect, but the fact is, business is business, and somebody has to pay for this. What she fails to bring up is right now in the United States, we are in a deficit situation. We are not creating new wealth. There is no new wealth that is being created in this country on the net bottom line for the Nation, which means that anytime we offer additional benefits to somebody, we have to transfer them from somebody else.

I would like to say to the gentlewoman that her salary as a Congresswoman does not put her in the middle class; it probably puts her in the upper middle class. The fact is that a lot of these transfer payments, and that is what has to happen, when we promise somebody that needs prescription care, and it sounds good, and I think there are cases where we have to provide prescription care, but to promise it en masse to the population, there is only one way we can pay for it: we have to take it from somebody and transfer it to somebody else.

So we cannot stand up here, and it just happened, I just saw it from the gentlewoman from New York, we cannot stand up here and on one hand promise people prescription care so that all their prescriptions are cared for, and on the other hand, talk about the middle-income taxpayer and about how the middle-income taxpayer is going to worry how they can pay for their prescription services.

Of course they are going to worry about it, because under these kinds of

programs that they are proposing, which really are a type of socialism, equal treatment across the board, what happens when we make those kinds of promises is there is only one place we are going to get the money. The bulk of the money is going to come from the very class of people that they stand up here and profess to protect. That is the middle class.

Prescription care is a high priority for all of us. I do not know any Democrat or any Republican that would not like everybody in this Nation to have their prescriptions paid for. The pharmaceutical industries in this country have really done a pretty remarkable job with the assistance of the people in this country who have provided those grants and have provided research.

So now, for example, I was at some town meetings in the last week. I mentioned about how just 10 or 12 years ago, when one had diarrhea, they had to drink that Kaopectate stuff, that gray liquid in the white plastic thing, or drank that Pepto Bismol or something, and hopefully after 2 or 3 or 4 hours the diarrhea would slow down. Today if one gets that, they pop a little tiny pill not much bigger than an eraser on a pencil and it is gone in 20 minutes, so we have made progress in that regard.

But we cannot get it for free. We cannot promise the American people that all their prescription needs are going to be for free. That is exactly what happened in the preceding statement.

Then, on top of that, it is easy when people are not the ones making budget decisions, so it is easy for the Democrats in the minority party to go out and make all of these promises because they know that it is the Republicans who have to provide it. And then it is the Republicans that get put on the defensive when they show up.

For example, after the gentlewoman from New York goes into a meeting and makes all these promises, and happens to walk out the door before telling how she is going to pay for it, then we walk in the door and we are the ones that have to come up with the funds. We are the ones that have to be the bearers of bad news.

If Members want to talk about fiscal responsibility, it requires that every one of us on this floor, including Republicans and Democrats, when we propose a benefit, we ought to be able to also tell the people we are promising how we are going to pay for it.

Nothing is free, and do not let the Democratic Party tell us up here from this House floor, do not let them tell us that prescription care can be given to everyone without a very, very significant cost.

I can tell the Members who is going to end up paying that cost. Anybody that is listening, anyone who is working, the working people of this country, regardless of what their job is, they are the ones who are going to pick up the costs of these promises being made by the Democratic Party.

Now, we hope, within the confines of our budget, that there are certain benefits that we can offer to the elderly. We think that is important. But what concerns me is this just opens the door for the promise to become broader and broader and broader.

Two weeks ago, the Democrats over here were talking about prescription care for seniors only. Tonight, we see what has happened, just in a 2-week period of progression: tonight we hear the gentlewoman from New York, and again I say this respectfully, but we hear the gentlewoman from New York promising prescription care services for everyone. We cannot afford to do that.

On a typical day in my office over in the Cannon Office Building, we will have people coming in all day long, people with special interests; all day long coming in, special interests, whether it is with seniors; special interests, whether it is with education; special interests, whether it is with highway construction, or military apparatus. All day long we have people who come into my office. All of them have ideas. All of their ideas, almost without exception, cost money.

These people are not proposing to pay for the project; they are proposing to use the money for their project. Their proposal is that we pay for the project.

The problem at the end of a day, in a typical day, we will get requests on an average day I would say of \$6 billion in a day is what they have requested in assistance for their new programs, day after day after day after day. At the end of the day, the difficulty with these programs is that almost without exception, again, every program that is proposed to us is a good program. It makes sense. It has some benefits to it.

So our choices down here are not choices between good and bad programs, and they are generally not choices between Republican wishes and Democratic wishes; but our choices are between good and good programs.

The key and the bottom line comes down, okay, we have a good program here, we have a good program there; but we only have enough money for one, or we can do both of them halfway. What do we do? My preference is we do the one and do it right the first time, which means we also have to say no.

There are lots of programs that are being proposed by the Democrats this year. It is of interest, I know, that in the last several weeks, the Democrats, because we are in budget time back here, the more partisan Democrats continually hammer away at the Republicans on our budget. They hammer away on one hand about spending, and on the other hand, they show up here on the House floor and promise the country prescription services for everybody.

I should add that the gentlewoman from New York did not just stop at prescription services for everyone; she

also talked about health care, that there should not be a two-tiered division in this country of those who have health care and those who do not have health care; that everybody should have, notice the word, I am quoting her, everybody should have equal health care.

First of all, that is a socialized system. That is government-provided health care. That is the only way you can do it and there is no other way around it; it is a socialized type of program. Our country has continuously, continuously, time after time after time, said they will not accept or they do not want socialized medicine. They do not want the government running everything for everybody on an equal basis. That is not the concept of a democratic government.

This is not a socialist government; it is a democratic government. Yet, some of my colleagues continue to stand up here and get away with this kind of rhetoric, because it is real easy to stand up here and promise the American people, tell them we want every one of them to have prescription care services. But where leadership comes in is to say to these same people that we have to figure out how to pay for it. If we cannot figure out how to pay for it, some of us have to have enough guts to say we cannot get something for nothing. We cannot do it. It does not mean we do not want to do it; it means we cannot do it because we cannot afford to do it.

Who do we owe that obligation to, the obligation of saying that we just do not have the money, we cannot give it to you for free? We owe that obligation not just to the taxpayers of this country, to whom we have a fiduciary responsibility to represent their interests, but we also owe that obligation to the next generations that are really going to have to foot the bill for this kind of thing.

Take a look at what has been promised in the past. Take a look at how our system has broken down. I can tell the Members that when I go to town meetings in my district, which is in Colorado, I hear at town meeting after town meeting after town meeting complaints about programs that happen to be run by the Federal Government: the veterans' associations talk about problems we have with the veterans administration and the health care they deliver; problems with Social Security; problems with SSI; problems, problems, problems. The government does not run an efficient system.

I think it is high time around here that my colleagues, and I will say for the last hour I have heard this from the Democratic side of the aisle, and it is not my intent here tonight to approach this in a partisan Democrat-Republican type of approach, but the fact is that the Democrats continually, continually profess all of these benefits that sound wonderful; and the fact is the reason they sound wonderful is because they are wonderful.

Who in America would not like full prescription services, and, by the way, somebody else to pay for it? What they fail to point out to us is that if you happen to be the person sick out there, you are going to get a lot of benefit out of these prescription services; but if you are the person that is not sick, you are the person that is working out there, watch what happens to your taxes to provide for this never-ending benefit.

Now, I think the American people as a whole are willing to provide prescription care services for certain classes, for example, the elderly people. There are ways, and we have to figure out, whether it is mass buying, whether it is pooling, there are ways we can figure out to assess or assist the American people with their prescription care costs. That includes cracking down on pharmaceutical companies that are involved in antitrust actions or pharmaceutical companies which get together and make sure the generic brands never come to the market.

As far as I am concerned, if we catch a pharmaceutical company attempting to keep a generic brand off the market, we ought to take the executives of that company and put them in jail. It is wrong. They are trying to take advantage of the American people, not in the capitalistic freedom-of-market type of approach, but in a very sinister type of approach.

But that is a far cry from standing up in front of the American people on this House floor, standing up in front of our colleagues, and saying that we need equal health care for everybody. There should not be two tiers, two tiers of health care in this country, those who get it and those who do not get it. Instead, everybody should have equal, again, equal health care, and everybody should have prescription care services, so whatever prescriptions they need, they get paid for.

I will just tell the Members today, I have kind of a cold, so I use a nose spray, which was a prescription nose spray, because I have allergies. I took folic acid this morning, which was prescription. I am trying to think what else. I took some vitamins. I took a pill for my knee this morning, which was prescription.

Why should the Members or anybody else in this room pay for my prescriptions? I am able-bodied. I am capable of working. I would like it very much if you would pay for my prescription services, but the fact is simple: there is not enough money to go around. That is the reality that we have to face here.

We have to be honest with the American public. We have to look them right in the eye and say, look, we would like to give everybody prescription care services, but somebody ought to answer the question: How do we pay for it? When we promise people a rose garden, we had better figure that out. We owe it to them to say, nothing is free. I can give this to you, but this is what it is going to cost you. I can do

this, but in the future, this is what is going to happen to this program.

When we start a program with the Federal Government, it never stops, it just grows and grows. It does not grow proportionately, by the way, i.e., as the population grows by 10 percent and the program would grow 10 percent. Take a look at Social Security. The population grew probably like this, and Social Security grew like this. There is a huge gap in there that has to be paid for.

What happens is I have colleagues, like the one who just spoke in the last hour, the gentlewoman from New York, who stand at the podium and make very pleasant promises, very nice rose garden promises to the American people, and then we have to come in and be the bad guys by saying, look, you know, it is a nice promise, it is a great program, but we have to pay for it.

□ 2030

So I would challenge, and with all due respect, I would challenge my colleague from New York (Mrs. MCCARTHY) to tell us how we are going to pay for it; tell me exactly what constituents in your congressional district are going to pay for it; and tell me how often you have returned to your congressional district, which you say is a 90-minute ride back to your district so it is easy to get there, tell me when the last time it was when you stood up in front of your constituents back there and told them, you will pay for these services, across-the-board prescription care services, across-the-board medical care. My guess is that what is said here is often not what is said back in the district.

The fact is you ought to be honest with these people. And I am not implying that the gentlewoman from New York (Mrs. MCCARTHY) is not being honest, but I am saying directly to the gentlewoman from New York (Mrs. MCCARTHY), how are we going to pay for it? I want prescription Medicare. I would like the prescription that I took today, I would love it if somebody else would have paid for it. How can I say no to that? Somebody comes up and says, here, we are going to pay for your prescriptions today for your nose spray and for your knee, to help rebuild your muscle in your knee. We will have somebody else pay for it.

It sounds great, but it does not happen that way. And we owe it to the American people to be straight with them, to say to them we do have a problem with prescription care. Prescriptions, while they have advanced tremendously, the pharmaceuticals, while they have advanced tremendously in the capability that they have, they have also advanced tremendously in cost. And I think, frankly, the gentlewoman from New York (Mrs. MCCARTHY) her energy would much better be exerted instead of standing on the House floor and promising the American people that we should provide prescription care for everybody

across the board, that our energies would be much better expended going after the pharmaceutical companies that are trying to drive off generic drugs or trying to keep generic drugs off the drugstore market shelf. That is where we ought to focus. Promises to give everybody everything they want are empty promises. And too often, if this government has ever gotten into deficit problems, or if you can ever track how we get into budget problems, it is because not enough of us stand up here in front of the people we represent and say we cannot do it all for you. If we do do this for you, this is what it will cost you.

You cannot go down to the car dealership and get a free car with somebody else having to pay for it. The dealership does not give away free cars, and the government cannot continue to provide 300 million citizens with their prescription care costs. So I think we need to keep that in mind.

Mr. Speaker, I want to talk about another issue tonight. I just came off CNN and had a very interesting discussion about "profiling," "racial profiling." The American Civil Liberties Union apparently today filed a lawsuit on behalf of five or six plaintiffs who allege that they were racially profiled by airlines in the process of going through security to get onto these aircraft of these particular airlines. And we had a discussion and, of course, the plaintiffs in this case talk about the fact that they were asked to leave the plane or they were questioned, they are convinced, because of their race or their color. And one of them said, it broke my heart and I will never be the same.

You can see the kind of language in there. I mean, in my opinion, as I said on CNN tonight, the American Civil Liberties Union goes out there and hunts for these kinds of people and then races to the court and then runs to the national TV and has national press conferences about how horrible the security system is in this country, how racial profiling should never be allowed.

I can tell you that the American Civil Liberties Union racially profiles, schools racially profile, CNN racially profiles, the Democrat party racially profiles, political parties do that. Now, what do I mean? Back it up with a little substance. The Democratic party, take a look at the discussions about Florida. Take a look at what the Democratic party does, as do all political parties, as do insurance companies, as does CNN to figure out who their viewers are. They will go in, based strictly on a person's race or color, they will go in and say, how will this person vote. If they will vote Democratic, if this particular race tends to vote Democratic, let us spend more money here to get them to vote our way, Democratic.

It is the same thing if CNN goes into an area and says, who are our viewers? What age are they? What income

bracket are they? Do blacks watch more than whites? All of this is done. Now when it comes to security, I think we have to take a step back. I do not think we should have what is called and what is trying to be directed towards the ACLU or the ACLU is trying to say to society that we are trying to justify, I do not think a person should be pulled off an airplane or given any extra scrutiny for the sole reason of their race background.

I am Irish and I have got some Scottish. I do not think just because of the fact that I am Irish with no other risk factors in there, that is the key buzz word, risk factors, with no other risk factors in there, just because I am Irish, to pull me aside, to exclude me from an airplane.

Now, keep in mind that with the plaintiffs that the ACLU is representing, this happened one time. And the representative for the American Civil Liberties Union tonight on CNN said these people are not looking for money. Because I said, look, all you are trying to do is it is a rush for the courts, to take what you can get. It is like a slot machine, let us see if we can get some money out of this deal. The ACLU answers and says, we do not take any money. We are here to make these people whole.

Well, it happened one time to these people. Out of the thousands and thousands and thousands of times a day that people go through security, the ACLU goes out and somehow finds six of them that feel offended by the security and are now demanding that security not take into consideration at all a person's ethnic profile, even if it is in combination with other factors. I am here to say to you, look, we have a responsibility in this country to provide for security when you get on an airplane. I can assure you, in my opinion, that those six plaintiffs, had something gone wrong on that airplane and they had been the victim of it, they would probably have had a national news conference today, not with the American Civil Liberties Union but with a group of plaintiffs' attorneys, to sue the airline or to sue the government.

My point is this, we have to provide security on those airplanes. Our country is very dependent, our economy is very dependent on those aircraft flying. A lot of us use airplanes and we want to know when we get on that airplane that we are safe. That requires some inconvenience on our part. In my opinion, it does not violate the Constitution, but it does require you, for example, when your suitcase is going through security they may open your suitcase, they may go through your underwear, they may go through your shaving kit. That is an inconvenience. It is not an unconstitutional strike against your basic human rights. And based on a risk profile, take a look at what hit us on September 11. It was not 11 Irishmen between the age of 40 and 45 years old who had jobs and et cetera, et cetera, et cetera, of the Catholic religion. That is not what happened.

We had a profile, not just the ethnic background, but it had their ethnic background; it had their age; it had their religion; it had their past history or some of their past history. I can build what is called a risk profile. And for the ACLU or for any of the political left to advocate that we should compromise the security of our airplanes or compromise the security of the American people so that we are politically correct and we do not offend somebody, and I can tell you there are people that are offended that you lift their underwear out of a suitcase to look at things. But that does not mean that just because it is politically offensive to them that we should compromise security to make them happy, and it is the same thing here.

We do have constitutional protections that we have an obligation to recognize, that the airport people have an obligation to recognize. But the fact that they have used a person's ethnic background in combination with the other risk elements, it is not an evil attempt to be prejudiced towards a person. It is a very legitimate attempt to protect the security of the people, including that person who wants to get on that airplane.

Now, what happens if you are a police officer? I used to be a police officer. And I can tell you if they give me a call that says, hey, we just had a white man rob a bank, he just robbed a bank, this white man, I can tell you we did not go into the black neighborhood questioning black or African Americans. We did not question them whether they just robbed a bank. No. We used our profile. We knew the bank robber was white. We knew the bank robber was about 5'6". We knew the bank robber was between 19 and 27 years old, so there was no use going stopping Caucasian or white females that are 60 years old and questioning them to see whether they robbed a bank. We used a risk profile.

Now, I am the first one to stand up and say this has its boundaries and it can be abused. And when it is abused, we should stop the abuse. But that is not what the American Civil Liberties Union is doing. The American Civil Liberties Union is pressing so hard that what is happening at our airports, and at some time pull an airport security person aside and say, do you ever not search someone or do you ever not ask questions because you will be accused of being racially motivated. And I bet you the answer on a lot of them will be yes. That is what they said to me. I have asked one another day. I said, I do not get it. I got on an airplane. There was a lady. She was about 75 years old and her baggage was all laid out on the table and they are going through it item by item. Then there were some people ahead of me. They were of Arab descent, but the interesting thing was they had packages. I am surprised they could get them in the overhead. And the woman had a veil over her face. You could not see

whether it was a female or a male. I am assuming that it was a female. And they were both, I could not tell with her because of the veil, and I guess it was a her. He was about 19 or 20 years old. They boarded the plane and that was fine.

Then they came to me and stopped me. I asked the person, I said, I do not mind being searched at all. I think it is good. I do not mind if you search everybody on this airplane, but why did you pick me out?

Well, because you are a Congressman, the person said, and people will think we have special treatment of Congressmen if we do not search you when you go through. So we picked you out just to show other people, look, just because the fact that he is a Congressman does not mean he gets searched. I said, how about that lady up there? Why would a lady like that be searched? Well, again, to show we are not focusing on a high risk group or a group of a particular ethnic background. I said, wait a minute. What if you have somebody that fits the risk profile? They are the right age, they are from a country that is questionable as far as the relationship with the United States, they meet other risk criteria in there, but they happen to be, say, Irish or they happen to be Arab; just based on the race thing does it cause you any reluctance to ask them any questions?

Absolutely, he says. I do not want to get in any trouble. This person told me that. The person told me they felt very intimidated to step forward and ask somebody, especially somebody of Arabic ethnic background or of ethnic color, to ask them any of those type of questions because they are afraid they would be accused of racial profiling or racism.

At that point I said to the person, you know the best way to trick the United States is look the part because you probably will not get stopped and questioned. In fact, what I said to the ACLU tonight, I think the opposite is happening. Some of these people that are so politically correct and putting security second and third and fourth seat back are in fact opening a big gap in our security blanket in this country by making our security checkers intimidated, concerned about, oh, my gosh, I better not ask that person because they are not white and Caucasian, or I better not ask that person because they are African American. I do not want to offend this person because they are Irish. That is one of the problems we have got.

So I do not know any of my colleagues on the House floor, I do not know any of them that would advocate profiling somebody based on race alone. I think that goes, I do not understand the boundaries and I think there is a constitutional argument there. But when you combine that with other risk factors or other factors known to you, I do not think that should be excluded from that list. I think it should be included in that list.

Let me tell you, in my opinion, I cannot think of a responsibility that the United States Congress or any elected official in the United States, I cannot not think of a responsibility we have that is more inherent to the obligation for us to the American people in our hearts and souls, it is more inherent to us than providing security for the American people. What we have seen in the last 10 years and what we have seen in the last 10 months and the further and further we get away from September 11, what we are beginning to see is the grip of political correctness has once again come into our cookie jar, frankly, and locked it up. That is what is happening. We are so concerned about political correctness that once again we are going to get hit hard.

Now there is a balance out there and it is called common sense, and I think political correctness has gone too far off the track. It is not on the common sense track. And I would venture to say that most Americans want you searched when you get on an airplane if you meet certain risk factors. Americans want security on those airplanes.

□ 2045

I did not complain about the fact that I was searched and this group ahead of me was not searched; but boy, if somebody fit what I would consider a profile, considering what we had on September 11, 19 people, all male, all within a certain range, all within a certain ethnic background, all with a particular religion, most with passports from a particular area of the country, I mean that is a profile, and if somebody fits that profile, we ought to go after it, regardless of their ethnic background. It does not benefit our country to put handcuffs on the very people that we are placing the responsibility to provide us security with.

Clearly we have to give them direction. We do have things like the Miranda rights when you arrest somebody. We have certain things that are observed but because a person, or because somebody at the airport says, ma'am, we are going to have to open a suitcase or someone says, Congressman, we are going to have to open your suitcase and look at your dock kit and your underwear and your jeans and your running shoes, that is not unconstitutional. Sure, it is an inconvenience, but it is what we have to have for security on our airlines.

So tonight on CNN, I found it very interesting, many in my opinion the American Civil Liberties Union could not wait to race to the courtroom, could not wait to file a lawsuit against all of these airlines, again using the age-old plaintiff's favorite statement racial preferences or racial prejudice against the airlines. Go for the deep pockets, accuse them of racism and see how many of them we will get to fold.

That is exactly what I perceive this lawsuit to be about, race to the courts by the American Civil Liberties Union, have a national press conference. They

did not write the airlines and say maybe they had some misbehavior here, they would like to have an apology and we would like the airline to fix their ways. They should stop what they did to this particular plaintiff. They did not do that. They do not want to do that.

Their mission is not to correct a wrong. Their mission is, one, to get attention; two, to drive this political correctness so that it fits their agenda; and, three, to enrich the plaintiffs here.

Our country has become lawsuit happy. No matter how we cut it, no matter what angle we look at it, whether we want to talk about malpractice, whether we want to talk about asbestos, whether we want to talk about racism, they are not alleging, the American Civil Liberties Union, whatever it is they think they can get the slot machine to kick out some change, they are going to go to the court and do it.

In the long run it hurts those plaintiffs. In the long run it hurts our society as a whole. If someone has truly, truly been wronged, they ought to be made whole, no argument there; but I can tell my colleagues that a lot of people allege to have been wronged, exaggerate just how badly wronged they were, and being made whole is not their idea. Being made rich is their goal, and so we can see this cycle. It was a very interesting debate on CNN this evening.

I have covered a couple of areas tonight. One of them, of course, prescription care and the fact that we want to provide prescription care to the extent that we can afford it, and we want to do things that can help hold the costs down. For example, allow generic drugs, encourage generic drugs, encourage competition out there among the pharmaceuticals; but it is wrong for us to make a promise to the American people, which was made on this House floor tonight, and we should provide all Americans with prescription care service. We cannot pay for it. We do not have the money. Nice, the empty promise. It is an empty promise.

They have promised a rose garden. By the way, they did not tell my colleagues that they are not only going to have to plant their roses, they are going to have to plant everybody's roses, and the rose garden does not have any water and nothing in it when they get into it.

The second thing we talked about was whether or not a person's ethnic background, whether they are Irish, Arabic, whatever they are, is that an appropriate element to fit a risk profile. My belief is that it is, that when we combine it with other factors, we can build pretty good profiles, and profiles help us.

Keep in mind, these profiles are used by our local schools. For example, our local schools might say, hey, in this neighborhood, we have a particular minority and this minority is scoring

lower, this minority has lower math grades than this group over here. So by doing that, by profiling, by going in there and determining what is affecting this group versus this group, we say, all right, we need to focus more money or more resources or more help to bring this minority's math grades up to par.

It is a tool. It is a legitimate tool. It is a tool that we use in our schools. As I said earlier, it is a tool that the media networks use to determine who reads their paper. It is a tool that the political parties use to determine who is going to vote for them. Why would we, on God's Earth, why would we eliminate it as a tool to provide ourselves with security against acts of terrorism or acts of our enemies that want to do us harm? Why would we say to somebody, oh, you are Irish, I cannot ask you if you are Irish; it is unconstitutional by meshing with these other factors. So you go ahead even though it may compromise our security? So that is a debate all on its own.

In the few remaining minutes that I have left I want to talk about something entirely different, and that is, first of all, the fire season that we have got out there. I want to commend our firefighters, our national firefighters, our Federal firefighters, our State firefighters, our volunteer firefighters, our district firefighters across the Nation.

In my particular district in the mountains of Colorado, and this district by the way is larger than the State of Florida, we have had fire after fire after fire. This is a drought the likes of which we have not seen in a hundred years. It is classified as an extreme drought. That is exactly what it is. The latest fire we had over the weekend took 83 or 85 homes, burned their homes, destroyed these people's possessions. Fortunately, we had no injuries in the fire.

I want to commend our firemen, and when I say firemen, I say that generically, plural, firemen and firewomen. Those firepeople out there are courageous people; and what is interesting is last year we put in a fire plan, and my colleagues can take credit for this because it was an act of Congress in coordination with our Federal agencies to really beef up our firefighting capabilities last year.

We hired thousands and thousands of new firepeople to fight these fires. We went out and purchased capital, purchases of thousands and thousands of pieces of new equipment. We really geared up for this year's fires, not knowing how serious the start it would get off to, and now our benefits are paying off.

This fire in Canyon City, while it was a horrible fire, we should have it 100 percent contained within the next 2 days. The many, many fires, and I probably had five or six major fires in the last 3 weeks in my district, major fires, type I fires, break out in my district, were all contained in a pretty quick period of time because of the investment that we and those Federal

agencies and most importantly those firemen on the scene on the line put into this effort.

So I want to publicly acknowledge from the House floor those firepeople from across the country and all those Federal agencies that are helping fight these horrible fires that we are seeing besiege us this year.

In the next couple of days or perhaps next week, I want to take an entire hour and speak about the water situation in the West. As many of my colleagues know, I have had a series of discussions here talking about the public lands and what impacts us that is different in the West than the East.

I am continuing to make a very conscious effort at trying to educate and work with my colleagues to tell them how the geographical difference, the public land location difference in our country has significant, significantly different needs, for example, in the western United States than we have in the eastern United States; and I want to spend a good hour talking about the issue of water, defining and making clear the difference between what is surface water, the water that originates on the surface or is accumulated on the surface, versus the water that is subsurface, that we dig a well down into.

Many in the East get their water from wells. Where I live most of our water is surface water. In fact, in Colorado 80 percent of our water that we use in Colorado is dependent upon the snow pack. Colorado happens to be the highest place on the continent, and our mountains reach high into the skies, and they gather that snow; but water storage is very critical for us, and just the same as I have seen an effort in health care towards a socialized type of system, i.e., the government takes care of all of it, the government pays for all of it, do not worry about the prescription costs, the government will pay for all of it, we are seeing the same kind of effort being made in the West in regards to water.

Right now water in the West is a private property. This country was built on the premise of private property. If we were to list some of the freedoms, say the top 10 freedoms that Americans feel so strongly about, that were the foundation of the founding of this country and the foundation of the greatness of this country, in those top 10 items we would find private property listed by almost everyone who listed those top 10, private property; and in the West water is a property issue.

Generally what we see is those who do not have it or did not buy it or did not think to get it make a very conscious effort of saying, wait a minute, those who have it ought to share it with us. That is exactly the premise upon which socialism was built, and we are seeing it in the West; and it is being seen in the West by something called the public interest doctrine, i.e., when it comes to water, we do not consider the individual's private property

rights. We do not consider the individual's rights of usage. What we consider is what is good for the public as a whole.

So in other words, it might be that someone has owned these water rights out in the Colorado mountains for a long time, and it might be that that family is dependent upon ranching; but the fact is, since in Colorado agriculture is only a small percentage of the entire economy, but yet uses a larger percentage of the water in proportion to the size of its economy, public interest demands that we take water from them.

That is exactly the effort that is being made, and frankly, I think this year in Colorado under a populist type of banner, they are going to attempt to put a question on our ballot, should a person's water rights have to take backseat to the public interest doctrine. It is a very, very dangerous move towards a socialistic society. I can tell my colleagues that there are some people's water I would like to have, some people's property I would like to have, but it is not my private property. It is their private property. They earned it, they paid for it, they worked it or whatever; but it is their property.

For us to begin to move this country in a direction that because we as a public think we can put it to a better use, that the public interest doctrine should be introduced and the property should be taken from them is the wrong approach. So next week I fully intend to spend a full hour talking about the special needs of water, the special needs in the West.

In the West water is like blood. That is what they say. Water runs thicker than blood, in fact, they say in the West. We will talk about where it originates, the importance of storage in Colorado and the West. We will talk about the public lands that are primarily located in the West and not located in the East. We will talk about gravity, how gravity has a lot to do with the situation that we are in today.

We will talk about those who do not want water being utilized for their home or for no development, for example, and see it as a way to control or stop development. Frankly, in some regards, I think the abuse of water has been ignored. We will talk about that, too.

We will talk about the environmental issues of water. Water is a very boring subject by the way. It only becomes interesting to all of us when all of the sudden we are in a drought or when we turn on the faucet and the water does not come out; but in fact, when we look at the future generations, what issue is so, so important to sustain life, to sustain agriculture, to sustain recreation, to sustain the environment, we are almost always going to come back to water.

Colorado politicians and Colorado citizens throughout its hundred-plus years of being a State have recognized

the importance of water. If we go in the State capital of Denver, we see in every painting in the rotunda somewhere depicts someone doing something with water. It is very, very important.

The Colorado River is called the mother of all rivers. Why? Is it a big river? No. It does not look like the Mississippi. In fact, I grew up understanding how important the Colorado River was, but I also thought it was the biggest river.

□ 2100

I about fainted when I saw the Mississippi River, the first time I saw a picture of it. It was huge.

The importance of the Colorado and what makes the Colorado the mother of all rivers is the fact that it is the only water available for many of the people out there. Whereas when you get into the Mississippi, in fact, in a lot of the East, the difficulty is getting rid of water. In the West, it is the capability of being able to store water.

So I look forward to visiting with my colleagues next week, Mr. Speaker.

CONSTITUTIONAL ISSUES AND SPENDING HABITS OF THE CONGRESS

The SPEAKER pro tempore (Mr. FLAKE). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, there are a number of issues, of course, that come to mind today for purposes of a discussion for a period of time here. Something brought to mind when I was listening to my colleague, the gentleman from Colorado (Mr. McINNIS), and he was talking about the propensity of this body especially to spend money in ways that I think we could call profligate.

It is true, unfortunately, whether one party is in charge or the other, it seems like it hardly matters, we do spend a great deal of money, sometimes without benefit, I think, of enough analysis and enough debate. And a constituent of mine e-mailed us a couple of days ago concerned about everything he had been hearing with regard to the proposals on both sides of the aisle for support of a new program for Medicare, a program that provides for insurance and/or some subsidy in some way or other for prescription drugs. As my colleague from Colorado said, it is a compelling argument.

We have all heard from constituents who over and over again explain to us the need for some help in procuring their prescription drugs, and our heart goes out to them because we recognize, just as I do with my own parents, and certainly I think everybody has someone who they can think of who is in desperate need for medication, the cost of which is skyrocketing. It seems like almost every week it goes up again and it becomes an incredible burden. And,

naturally, that kind of thing happening out there will result in pressure here on this floor and in this body to do something about it to respond.

The reaction that most of us have is to say, well, what is it that the Federal Government can do. But unfortunately I think the reaction that most of us should have, but do not, is what is it that the Federal Government is empowered to do, empowered by the Constitution. Day in and day out we confront issues here on this floor that are severe, they are significant, they matter to millions of people in this country, and because they matter and because people are interested in them and there are pressure groups that develop, we find ourselves responding over and over again to the political pressure that boils up.

People say, well, is that not the purpose of a democracy? But, of course, this is a republic and not a democracy. This is a republic. And what that means is that we elect people to represent the interests of our constituents. We do not have a majority rule of the population of the country, which is what a true democracy is; everybody meeting all over the country on every issue and deciding the fate of that issue on an up-or-down vote. That is not what the Framers of the Constitution gave us and that is not what we should be about. It is mobocracy, perhaps would be a better way of describing it.

A republican form of government charges us, the people who are elected, to come here and analyze the issue and cast our vote in the best way we think that will fit our constituency and our responsibilities as a Member of this Congress. And this is always a challenging experience because we are torn, every human being on this floor, every human being in the Congress of the United States is torn between doing what political pressure pushes them toward doing on the one hand, and on the other what the Constitution prevents them from doing.

The Constitution cannot speak for itself. It has no voice here except that given to it by those of us who are concerned about it. It is just words. It is just words on a piece of paper, on a piece of parchment, actually, and, therefore, it can be interpreted, broadly, widely, liberally to say that everything we do here in this body is constitutionally approved. Well, of course, I think that if that were the case, we would not need a Constitution. We would not need a written document.

Britain has, for centuries now, existed without a written constitution. Everybody sort of understands what the parameters are and tries to deal with it. But, of course, Britain is a far more socialistic economy than ours and far more down the path towards socialism than we are, thank goodness. And that is inevitable. Without the constraints of a constitution, it is inevitable that it will lead to a government that will respond to all political pressures by taking away someone's hard-

earned money and giving it to someone else that we deem appropriate.

This e-mail that I received had such a logical way of approaching it that I thought I would bring it to the floor for our edification. I received this from Randal Morgan, who lives in Aurora, Colorado. And he said, "Are you willing to insert the Boortz amendment, the Boortz resolution in all legislation you introduce and/or support? It is as follows:" And I must admit to you, Mr. Speaker, I had not heard of this particular resolution, that has evidently come up in the past, but I just did not know of it. It says: "Every sponsor or cosponsor over this legislation hereby affirms his or her belief that the need for the Federal Government of the United States to spend taxpayer funds on the purposes outlined herein is of greater importance and urgency than the spending needs which the party or parties who actually earned these funds may have. Such needs being, but not necessarily limited to, spending for medical care, child care, housing, food, clothing, transportation, education, insurance, savings and retirement planning."

Well, I think that is a great amendment to add to any bill that is passed by this House or introduced by any Member. Certainly I will be happy to do so if I am ever in the position of actually introducing legislation that spends money. So far, in my tenure in this Congress, I have been able to avoid that particular distinction. But should I ever find myself in that situation, I will be happy to add this particular resolution as an amendment.

I think it is a great statement. It is saying what we all are in fact doing. It is saying, clearly, that we are making a decision, we as a body, that everyone here believes and understands that whatever we decide is the important cause for which we are on the floor imploring our colleagues to support is more important than the concerns and the needs of the people from whom we are taking the money. I mean that is exactly what we do here time and time again.

Now, if we use the constraints of the Constitution as our guideline, then we will say that, yes, there are some things that we will take money away from all people in this republic to fund. Because we are charged with the responsibility of doing such. We are charged with the responsibility of maintaining the republic intact. And that is just my interpretation, now. I mean, I recognize that there are 534 other Members of the Congress who make their interpretation, but what it means to me is this; that the primary responsibility of the Federal Government is not education, it is not health and human services, it is not transportation, it is not energy policy. None of those things are the primary responsibility, yet we have committees and we have appropriation bills for all of these. We have 13 appropriation bills for 13 separate activities, and they en-

compass every imaginable activity, by the way, and some unimaginable, I should say.

But if we were to analyze the Constitution and think of that as the template over which we overlay the proposal that we use to determine how we should vote on any particular issue, I think that we would all walk away from here after having voted no on about 99 percent of the things that confront us. Because if our primary responsibility is, as I believe it to be, the preservation of the republic, then the defense appropriation bill that comes before us every year is of primary concern to me.

□ 2115

It is my responsibility to make a determination as to whether or not it is enough, but not whether or not it is the appropriate thing for the Federal Government to do. Of course it is. That is understood. It is understood that an agency like the Federal Government needs to be there for the coinage of money and for the regulation of the transportation of goods and services across State lines. There are a lot of things that the Federal Government has a responsibility for that the States do not.

Mr. Speaker, I am more than willing to vote to take money away from people in this Republic and give it to others for the purpose of meeting the constitutional requirements placed upon us. Individuals cannot defend the country. They may hopefully be able to defend themselves if we let them keep their firearms, but they cannot defend the country. We have to organize for that, and that is the purpose of the appropriations bill for defense. So our only question at that point in time is: Is it right, is it enough, is it too much, and should we support it on that basis? But really not whether it is appropriate. But all of the other things we do here that do not fit into the constitutional framework can be called into question and they are, I think, by the e-mail to us from Mr. Morgan. I agree we do far, far too much. I also believe, Mr. Speaker, that we have gone far too far in the direction of federalizing crimes.

The Constitution again gives us certain responsibilities, and we can interpret them in various ways, but it is difficult for me to understand how or why we can impose Federal statutory limitations on certain actions throughout the Nation that are not directly related to our role as the Federal Government and the Congress of the United States.

I think that we have so strained the resources available to us, especially in the FBI, for instance, giving them now over 3,000 laws that they have to enforce, 3,000 criminal laws that they have to enforce. We have so overstrained their resources they find themselves in the position of not being able to do their primary job, and that is to protect the United States from

those who will do us harm from internal or external threats as a Nation, not a bank robber, someone who has taken a hostage, taken a drug, something that they are now responsible for getting involved with because we have passed laws here forcing them to do so.

And then we say how is it that we could have possibly missed so many clues, so many signs that there were people in the United States of America that were here to do us harm, and we should have known and done better. The FBI got information from the CIA. Did they not interpret it right?

Frankly, they are doing a million things, and I am glad to see that the Attorney General has determined that there is going to be a priority for the Federal Government, especially FBI involvement, and it is going to start with threats to the Nation. That is where it should end. That is where it should end because we have this thing called States rights. We have this thing called the federalist system of government which delegates to States all of the responsibilities for law enforcement of other activities.

Yet people come to us constantly and ask us, and it is hard to turn down a request to make a law against certain activities, to make a law against pedophilia and child molestation. I do not know anyone who supports that activity. But is that our role? Is that what the Constitution says the Federal Government should be doing?

I suggest that because there have been so many attempts to federalize criminal statutes and federalize certain crimes, I should say, that we have now become bogged down in that quagmire of activity that could frankly take all of the resources that we could possibly devote and would never, ever solve the problem.

We all need to know what our role is. What is the job of the Federal Government when it comes to enforcement of criminal statutes? What is the job of the counties and the cities? When each one knows what they are supposed to do, they can devote their resources to accomplishing that goal. But we have done far, far too much because we have responded, as is natural, to the requests, the demands, the political pressure, to make certain things a Federal crime.

Guns, guns. Now, I happen to represent a constituency that has suffered through one of the most traumatic events that can possibly be described. Columbine High School haunts our memories. It is replayed even today on television stations, in the newspaper with charges of malfeasance, with charges of ineptness on the part of various officials who were responsible for dealing with the issue.

Parents will actually never, ever feel the healing salve of forgiveness when it comes to this issue, and when it comes to what happened to their children, both those killed at Columbine High School and those who remain or were injured, both physically and mentally.

The tragedy is horrendous. So what happens then is political pressure develops. People come to the Congress of the United States and demand action. Certainly I felt that pressure. People demanded that we take dramatic steps in trying to restrict someone's ability to own firearms.

Mr. Speaker, I believe, let me say first of all and clearly, I believe there are people in this country that should not be able to own a firearm. Maybe that puts me in direct confrontation with those who say the second amendment says everyone should be able to own firearms. I disagree. We do not go through the penitentiary system in this country offering catalogues for people to order firearms. We restrict a lot of people from being able to own firearms, and logically so. We do not want felons, criminals, especially violent criminals, to be able to easily access a firearm. And I must tell Members that seems completely logical to me. We do not allow people who have certain mental instabilities to obtain firearms. That seems logical to me.

But what is the Federal role? That is the question that one must ask themselves. What is the Federal Government's role in this prohibition? Now, there are people who are federally licensed to sell firearms, and because they have chosen individually and voluntarily to in fact make that determination as a federally licensed dealer, then they must be regulated by the Federal Government. They must accept that regulation. That is their decision. They chose to be federally licensed. That gives them certain responsibilities and certain abilities that other people do not have. It is a privilege, in a way. So we regulate it. I can understand that, and I can even support it.

And I understand the desire of many, even here, to go far beyond that and regulate the ownership of firearms to anyone, regulate the ownership of various kinds of firearms and number, all those things that we are able to do. Where in the Constitution does it give us that responsibility?

That is just one example; and as I say, believe me, I want to keep firearms out of the possession of people who should not get them to the extent we are able. We cannot create a perfect society. We cannot guarantee against every kind of risk, yet that is the constant pressure we face in the United States Congress. People want a risk-free society, and they expect us to deliver it.

All of this comes about as a result of a misunderstanding of the form of government that we have, and the blame can be placed at least partially, if not squarely on the shoulders of our public education system that does not do a very good job of telling children who we are, what we are, and what this Nation was founded on, what principles we were founded on.

Without that knowledge, Mr. Speaker, we are at a loss to understand what we should be doing here and what State

legislatures and county and local governments should be doing. We would think, without the knowledge of the Constitution, we would think that we here should be doing everything. That we are the ultimate authority, and I suggest that it is a misinterpretation. It is a lack of knowledge of the Constitution and of basic American history that has placed us in that situation, along with just the dynamics of human nature that when they see a problem look to a legislative body for resolution of that problem.

But we have to tell people that we have certain responsibilities, and those responsibilities are limited, limited by this thing we call the Constitution of the United States; and there is an important reason why we have such a document: it is to curtail power of the Federal Government. The Constitution is not something that is designed to broaden the power of the Federal Government; it is designed to limit the power of the Federal Government. And we should understand and appreciate that, and we should teach our children about that to the extent we are able, both as parents and as schools. Schools should be the reflection of these values and attitudes and ideas about our system of government. After all, although there are a lot of reasons why we should argue about what should be taught in a public school system with regard to morality and everything else, the fact is we are talking about a system of government that we all share, that we all have a responsibility for looking into and voting, and a variety of other things that demand our participation.

When we do that, we should demand the participation of intelligent voters, people who understand what this process is all about. If we do that, Mr. Speaker, it would come naturally to mind the next, I guess, topic of my Special Order tonight, the issue of what is the proper Federal role in the government of this country.

I will suggest that there is one area that is uniquely Federal in responsibility, and that is of course the area of determining who comes into this country, how many, for what purpose, from what countries, and how long they stay.

□ 2130

We call that an immigration policy and no State can adopt one. The State of Ohio cannot determine who comes or goes across its borders, but the Federal Government can and should and has an absolute right to do so. There is a philosophy of government referred to often as libertarianism that suggests that borders are meaningless and that they should be erased for the purpose of advancing economic activity, that borders are anachronisms, that they do not in fact reflect today's reality and should be erased. This philosophy would suggest that the European Union is a good example of the elimination of borders, at least partially, and that everything that comes about as a result

of that is good and that is a way of looking at life through strictly economic lenses, and there is something to be said for that. I mean certainly the philosophy has merit. The gentleman who wrote to us, who I referred to earlier, Mr. Morgan, tells me later on in this e-mail that he is in fact a libertarian. I guess I would challenge a libertarian's view of this particular issue. I would suggest that although an ideal world is one in which all movement of goods and services can flow without interdiction, the real world in which we live requires the existence of borders and there are a lot of good reasons why borders should exist, not the least of which is the fact that people coming across borders without permission of the country they are entering can do nasty things, do do nasty things if they do not like that country's government, if they do not like what that nation stands for. So of course we have seen this happen on September 11. We know that 19 people, actually several more came into the United States for the purposes of destroying as much of the country's governmental infrastructure as they possibly could, killing us here, killing civilians in the World Trade towers, crashing their planes into the Pentagon, hoping to crash them into the White House and, as I say, the Capitol.

We face that dilemma. Libertarians face that dilemma. How do they rationalize their desire for a borderless world with a world in which people exist for the sole purpose of destroying others, in this case us? And that the economic system, whatever grows out of this dismantled world that would be the result of the elimination of borders, would not be one in which free enterprise would thrive, in which capitalist ideals would be upheld. It would be one, if it were democratic at all, in which the masses of people would vote if they had the opportunity to vote, for some sort of world government. I assure my colleagues that right now, knowing what we know about human nature and the lack of information and understanding we have in our own country about what a republic is designed to do, can we imagine what would happen if we overlaid that template across the world and said everyone is to vote for some sort of world government to control various aspects of human behavior which would, of course, be necessary? Even if we eliminated borders, there would be a world government that would be necessary.

Does anyone think for a moment, Mr. Speaker, that that world government would be one that would advance the concepts of liberal, small L, democracy? And of private enterprise? And of capitalism? Does anybody believe for a moment that it would be that, as opposed to a world government in which everything would be taken from those who have and given to those who have not?

I think it is simple and pure and it is again an ideal, but it is an ideal to

which I do not aspire. Therefore, I say, Mr. Speaker, we need borders. This country, all countries, need borders. We need borders to distinguish who we are, where we are and why we are. It is true, I think, Mr. Speaker, that there are distinctions among countries, among governments. I believe with all my heart that there are differences among cultures and among political philosophies, and I believe some are better than others. I know that that is a frightening thing to say to some people, and they would see that as very chauvinistic. But the reality is if we raised all of the gates all over the world, where would people come? To what country would they come?

How many people, do you think, Mr. Speaker, if all of the gates in the world were raised, would go to China? How many would go to Russia? How many would go to Mexico? That is a test of this theory that all cultures are the same, essentially, all systems are essentially the same, no real difference and, therefore, why should we worry about things called borders? I suggest that we should worry about it because we are different. The United States of America is different. It is, in fact, unique, and I will say unequivocally it is better. Because if we raised those gates, Mr. Speaker, they would all come here. There is, I think, no question about it. Millions of people every year attempt to come to the United States legally. Millions more come into the United States illegally. We for the most part have abandoned our borders at the present time. We have abandoned the borders for a variety of reasons, some of them purely cynical and purely political, some of them quite philosophical in nature, as I say, a libertarianesque attitude about the need for and importance of borders. But regardless of the reason we have done it, we have done it. For all intents and purposes, we really do not have borders.

I was recently in Arizona in the Coronado National Forest that has a 60-mile coterminous border with Mexico. The forest manager there had asked for help because he has a total of four people to patrol that border of his forest, a 60-mile border with Mexico, and we are now getting hundreds of thousands of people coming across, some looking just for jobs, some looking for a better way of life that would be provided them even if they did not work because of the welfare system in the United States, and some of them coming across to carry the illegal drugs that are provided them by the cartels in Mexico. Regardless of their purpose or intent, they are coming in illegally and they are essentially destroying the forest. In a microcosm, what is happening in the Coronado forest could be said to be happening throughout the country, to our Nation in a way. We are essentially destroying the forest, the Coronado forest, because the human traffic through there is at such a level as to actually negatively affect the ecology.

There are thousands of footpaths that have been worn into the ground by people coming across in a very fragile environment. There are thousands and thousands of water bottles that have been strewn. There are clothes. There are other aspects of human movement through there, human participation in the movement through that forest and it is degrading to the forest itself. People coming through there illegally at night start campfires to stay warm and in the daytime walk away from them and now over 50,000 acres this year have been destroyed through fire. If this were happening in any other forest in the Nation, the Sierra Club, Friends of the Earth, a variety of other environmental organizations, would be up in arms. Well, they do not like arms. They would be irate. They would be chaining themselves to the scrub oak that comprise the forest. But there is not a word said about this forest degradation because, of course, it is a result of illegal immigration and something that many of these organizations, the Sierra Club, Friends of the Earth and the rest, are averse to trying to criticize, essentially because of political correctness.

So States look to us, the forest manager in the Coronado looks to the Federal Government and says, "Help me do something about this." We turn a blind eye to it. I used to say all the time that the logo for the INS, the Immigration and Naturalization Service, should be a guy who simply is shrugging his shoulders. That should be on the top of the page, a guy going, "I don't know. Don't ask me. I have no idea," because every time we ask the INS about anything, any questions you have of them, no matter what it is, they give you that kind of an answer. But now there is another way I would like to describe the reaction of the Congress of the United States, the President of the United States to the issues of massive immigration, illegal and legal, and that is the classic see no evil, hear no evil, speak no evil, the three-monkey sort of statue we have seen before. That is the logo we should have here. No one wants to talk about this because it gets a little antsy. Are we actually talking about racial issues? Are we talking about just one country? Plus there are all those votes that are here in the United States. If we talk about trying to secure our borders, which is a Federal role, a uniquely Federal role as opposed to all the other things we do that I mentioned earlier in my discussion here tonight, the uniquely Federal role of immigration is disregarded because of the fear of the political backlash that would occur in this country from voters, from certainly minority groups and the desire on the part of the Democrats to enhance their numbers by a large pool of immigrants into the country. They recognize that they vote often for the Democratic party, so they are averse to doing anything that would stop the flow.

We, on the other hand, are averse to doing anything because we are afraid of the economic ramifications of businesses coming to us and saying, "I need cheap labor and I don't care if they are coming here legally or illegally." And there is that libertarian flow through the body that says we should just simply open the borders. So we have all of those converging pressures here that stops us from doing anything about this tragedy.

□ 2145

It is a tragedy in the Coronado. It is a tragedy also for the United States. Any country that cannot define its own borders and cannot actually protect and defend them is not a nation. Any country that says we recognize that there is massive violation of our laws, of our immigration laws, but we choose not to do anything about it, does not deserve to be called a country, and one wonders for how long it can be called a country.

Interestingly, this issue of elimination of borders and sort of a world economic system, or at least in this case a North and South American economic and political system that converges, this is not something that is a hidden agenda. There used to be people that I know, and the Speaker knows of many people, who would confront us at various meetings, town meetings and the like, with this world economic order, a new world order, and it is all very conspiratorial; and they feel that it is all in the hands of certain people who have economic interests. Well, this is not conspiratorial. This is out in the open. It is absolutely clear for anyone to see and hear.

For instance, not too long ago, less than a week ago, I think, the President of Mexico, Vincente Fox, was speaking in Spain, and he said that all of his efforts, all of the government's efforts to try and liberalize immigration policy, were really devoted to one goal. This was incredibly insightful, hearing what he had to say. This is the President of Mexico, and he has said something similar on many occasions, but he said just the other day that his goal is to end up with a system that allows for the free flow of goods, of services, and he stopped for a minute, and he said of people, not inhibited by borders. He has said in the past that he believes in a relatively short time there will be no borders between the United States and Mexico.

The gentleman who is the head of an agency of the Mexican Government that is called the Ministry for Mexicans Living Outside of Mexico said earlier, told me personally in Mexico, that there were, when I was questioning him about the use of his term of "migration," and I said it is really immigration, and when they cross the border illegally it is called illegal immigration, and this is Mr. Juan Hernandez, who is, by the way, both a Mexican and an American citizen, he said to me, "Congressman, it is not two countries; it is just a region."

This, I suggest, Mr. Speaker, is the end goal of this game we are playing. It is debatable as to whether it is good or bad. I think it is bad. At least it deserves a debate, a national debate. Should we eliminate our borders, or not? That is where we are going. I want it to happen in a de jure way as opposed to a de facto way. Actually, I do not want it to happen at all, but, if it does, it has to be through a legal process and not one where we just several years from now look around and say, how did this happen to us? We lost our sovereignty as a Nation. I do not want to say I was responsible or had no part to play in that process.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. EVANS (at the request of Mr. GEPHARDT) for today on account of travel delays at O'Hare Airport.

Ms. KILPATRICK (at the request of Mr. GEPHARDT) for today on account of personal reasons.

Ms. MCKINNEY (at the request of Mr. GEPHARDT) for today on account of mechanical airline problems.

Mr. MENENDEZ (at the request of Mr. GEPHARDT) for today on account of the New Jersey primary election.

Mr. THOMPSON of Mississippi (at the request of Mr. GEPHARDT) for today on account of official business in the district.

Mr. DEAL of Georgia (at the request of Mr. ARMEY) for today and until 12:00 noon on June 5 on account of a death in the family.

Mr. GRAVES (at the request of Mr. ARMEY) for today on account of travel delays.

Mr. PETERSON of Pennsylvania (at the request of Mr. ARMEY) for today and June 5 on account of family business.

Mrs. ROUKEMA (at the request of Mr. ARMEY) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material):

Ms. PELOSI, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Mr. ORTIZ, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

(The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material):

Mr. PAUL, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. WILSON of South Carolina, for 5 minutes, June 5.

Mr. GEKAS, for 5 minutes, June 5.

Mr. SHIMKUS, for 5 minutes, June 6.

Mr. GOSS, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1983. An act to designate the facility of the United States Postal Service located at 201 Main Street, Lake Placid, New York, as the "John A. 'Jack' Shea Post Office Building"; to the Committee on Government Relations.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on May 29, 2002 he presented to the President of the United States, for his approval, the following bills.

H.R. 3167. To endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes.

H.R. 4592. To name the chapel located in the national cemetery in Los Angeles, California, as the "Bob Hope Veterans Chapel".

H.R. 4608. To name the Department of Veterans Affairs Medical and Regional Office Center in Wichita, Kansas, as the "Robert J. Dole Department of Veterans Affairs Medical and Regional Office Center".

H.R. 4782. To extend the authority of the Export-Import Bank until June 14, 2002.

ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 5, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7124. A letter from the Secretary, Department of Agriculture, transmitting a report required by the Grain Standards and Warehouse Improvement Act of 2000, Public Law 106-472; to the Committee on Agriculture.

7125. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Trifloxystrobin; Pesticide Tolerance [OPP-2002-0052; FRL-7178-6] received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7126. A communication from the President of the United States, transmitting notification of the intention to reallocate funds previously transferred to the Federal Emergency Management Agency (FEMA) from the Emergency Response Fund (ERF); (H. Doc. No. 107-220); to the Committee on Appropriations and ordered to be printed.

7127. A communication from the President of the United States, transmitting his request for an FY 2003 budget amendment for the Department of Defense; (H. Doc. No. 107-

219); to the Committee on Appropriations and ordered to be printed.

7128. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

7129. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

7130. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act which occurred in the Department of the Army, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

7131. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

7132. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

7133. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

7134. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

7135. A letter from the Vice Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to the Republic of Korea, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

7136. A letter from the Vice Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to the Dominican Republic, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

7137. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's "Major" final rule—Energy Conservation Program for Consumer Products; Central Air Conditioners and Heat Pumps Energy Conservation Standards [Docket No. EE-RM-98-440] (RIN: 1904-AA77) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7138. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, South Coast Air Quality Management District, and Ventura County Air Pollution Control District [CA247-0325a; FRL-7201-6] received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7139. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Prohibition on Gasoline Containing Lead or Lead Additives for Highway Use: Fuel Inlet Restrictor Exemption For Motorcycles [FRL-7215-3] (RIN: 2060-AJ76) received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7140. A letter from the Assistant Secretary for Legislative Affairs, Department of State,

transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Sweden and South Africa [Transmittal No. DTC 026-02], pursuant to 22 U.S.C. 2776(c) and 22 U.S.C. 2776(d); to the Committee on International Relations.

7141. A communication from the President of the United States, transmitting notification that the national emergency declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) in 1992 and 1998, are to continue beyond May 30, 2002 and June 9, 2002, respectively, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 107-223); to the Committee on International Relations and ordered to be printed.

7142. A communication from the President of the United States, transmitting a combined six month periodic report on the national emergencies declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) declared in Executive Order 12808 on May 30, 1992 and Kosovo in Executive Order 13088 on June 9, 1998, pursuant to 50 U.S.C. 1641(c); (H. Doc. No. 107-224); to the Committee on International Relations and ordered to be printed.

7143. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Denmark [Transmittal No. DTC 059-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7144. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to United Kingdom [Transmittal No. DTC 053-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7145. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India [Transmittal No. DTC 42-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7146. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India [Transmittal No. DTC 41-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7147. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India [Transmittal No. DTC 48-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7148. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan [Transmittal No. DTC 90-02], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

7149. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Italy [Transmittal No. DTC 054-02], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

7150. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Egypt [Transmittal No. DTC 144-01], pursuant to 22 U.S.C. 2776(c) and 22 U.S.C. 2776(d);

to the Committee on International Relations.

7151. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India [Transmittal No. DTC 04-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7152. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India [Transmittal No. DTC 05-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7153. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Israel [Transmittal No. DTC 52-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7154. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Taiwan [Transmittal No. DTC 031-02], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

7155. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Fiscal Year 2001 annual report on U.S. Government Assistance to Eastern Europe under the Support for East European Democracy (SEED) Act, pursuant to 22 U.S.C. 5474(c); to the Committee on International Relations.

7156. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

7157. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report of the Inspector General for the period October 1, 2001, through March 31, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7158. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-375, "Housing Notice Temporary Amendment Act of 2002" received June 3, 2002, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7159. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-373, "Procurement Practices Small Purchase Amendment Act of 2002" received June 3, 2002, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7160. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-372, "Closing of Edson Place, N.E. adjacent to Square 5080, S.O. 01-808 Act of 2002" received June 3, 2002, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7161. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-371, "Closing of a Portion of a Public Alley in Square 5228, S.O. 98-195 Act of 2002" received June 3, 2002, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7162. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-370, "Uniform Custodial Trust Act of 2002" received June 3, 2002, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7163. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-369, "Prompt Pay Act of 2002" received June 3, 2002, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7164. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-368, "Bonus Depreciation De-coupling from the Internal Revenue Code Temporary Act of 2002" received June 3, 2002, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7165. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-367, "Georgetown Project Temporary Amendment Act of 2002" received June 3, 2002, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7166. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-366, "Bond Requirement for New Residential Property Construction on Unstable Soil Temporary Act of 2002" received June 3, 2002, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7167. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-365, "Service Improvement and Fiscal Year 2000 Budget Support Temporary Amendment Act of 2002" received June 3, 2002, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7168. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-364, "Unemployment Compensation Terrorist Response Temporary Amendment Act of 2002" received June 3, 2002, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7169. A letter from the Chairman, Federal Labor Relations Authority, transmitting the Fiscal Year 2001 Annual Program Performance Report; to the Committee on Government Reform.

7170. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—International Fisheries Regulations; Pacific Tuna Fisheries; Establishment of Incidental Catch Limit for Yellowfin Tuna Taken by the U.S. Purse Seine Fishery in the Eastern Pacific Ocean [Docket No. 011005243-1243-01; I.D. 102401B] received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7171. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Adjustment for Dover Sole in the Limited Entry Trawl Fishery [Docket No. 001226367-0367-01; I.D. 111901c] received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7172. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Herring Fishery; 2002 Specifications [Docket No. 011005245-2012-02; I.D. 092401C] (RIN: 0648-AP37) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7173. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—

Fisheries of the Northeastern United States; Atlantic Herring Fishery; Framework Adjustment 1 [Docket No. 011221308-1308-01; I.D. 112101A] (RIN: 0648-AP44) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7174. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 001005281-0369-02; I.D. 012502C] received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7175. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Pelagic Fisheries; Prohibition on Fishing for Pelagic Management Unit Species; Nearshore Area Closures Around American Samoa by Vessels More Than 50 Feet in Length [Docket No. 010710171-2013-02; I.D. 051401B] (RIN: 0648-AL41) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7176. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program [Docket No. 010823213-2078-02; I.D. 071701C] (RIN: 0648-AK70) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7177. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administrator's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Steller Sea Lion Protection Measures and 2002 Harvest Specifications and Associated Management Measures for the Groundfish Fisheries Off Alaska; Amendment and Correction [Docket No. 011218304-2062-02; I.D. 121701A] (RIN: 0648-AP69) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7178. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the annual report on applications for court orders made to federal and state courts to permit the interception of wire, oral, or electronic communications during calendar year 2001, pursuant to 18 U.S.C. 2519(3); to the Committee on the Judiciary.

7179. A letter from the Acting Assistant Secretary of the Army, Department of Defense, transmitting a report in compliance with the Water Resources Development Act of 1999; to the Committee on Transportation and Infrastructure.

7180. A communication from the President of the United States, transmitting notification of his determination that a continuation of a waiver currently in effect for Vietnam will substantially promote the objectives of section 402, of the Trade Act of 1974, (Presidential Determination 2002-22), pursuant to 19 U.S.C. 2432; (H. Doc. No. 107-221); to the Committee on Ways and Means and ordered to be printed.

7181. A communication from the President of the United States, transmitting notification of his determination that a continuation of a waiver currently in effect for the Republic of Belarus will substantially promote the objectives of section 402, of the Trade Act of 1974, (Presidential Determination 2002-21), pursuant to 19 U.S.C. 2432; (H. Doc. No. 107-222); to the Committee on Ways and Means and ordered to be printed.

7182. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Ridge and Marjory Harlan V. Commissioner [T.C. Dkt. Nos. 21214-92; 24609-92] received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7183. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Changes in Annual Accounting Period (Announcement 2002-53) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7184. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Reporting Required Minimum Distributions from IRAs (Notice 2002-27) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7185. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Capitalization and Inclusion in Inventory Costs of Certain Expenses (Rev. Rul. 2002-9) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7186. A letter from the Secretary, Department of Energy, transmitting a report as directed in Section 3134 of the Fiscal Year 2002 Defense Authorization Act, Public Law 107-107; jointly to the Committees on Armed Services and Energy and Commerce.

7187. A letter from the Acting Attorney General, Department of Justice, transmitting a report required by the Foreign Intelligence Surveillance Act of 1978, pursuant to 50 U.S.C. 1807; jointly to the Committees on the Judiciary and Intelligence (Permanent Select).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHLERT: Committee on Science. H.R. 4664. A bill to authorize appropriations for fiscal years 2003, 2004, and 2005 for the National Science Foundation, and for other purposes; with an amendment (Rept. 107-488). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 432. Resolution providing for consideration of the bill (H.R. 4664) to authorize appropriations for fiscal years 2003, 2004, and 2005 for the National Science Foundation, and for other purposes (Rept. 107-489). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 433. Resolution waiving points of order against the conference report to accompany the bill (S. 1372) to reauthorize the Export-Import Bank of the United States (Rept. 107-490). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GIBBONS:

H.R. 4855. A bill to restore the traditional day of observance of Memorial Day; to the Committee on Government Reform.

By Mrs. LOWEY:

H.R. 4856. A bill to establish a medical education trust fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and

Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MATSUI:

H.R. 4857. A bill to amend part D of title IV of the Social Security Act to modify the calculation of the child support automation penalty and provide for the reinvestment of any such penalty; to the Committee on Ways and Means.

By Mr. MORAN of Kansas (for himself, Mr. TOWNS, Mr. STENHOLM, Mr. MCINTYRE, and Mr. HOUGHTON):

H.R. 4858. A bill to improve access to physicians in medically underserved areas; to the Committee on the Judiciary.

By Mr. NETHERCUTT:

H.R. 4859. A bill to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the Tribe concerning the contribution of the Tribe to the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Resources.

By Ms. NORTON:

H.R. 4860. A bill to establish the United States Commission on an Open Society with Security; to the Committee on Transportation and Infrastructure.

By Mr. RANGEL:

H.R. 4861. A bill to secure the Federal voting rights of certain qualified ex-offenders who have served their sentences; to the Committee on the Judiciary.

By Mr. UDALL of New Mexico:

H.R. 4862. A bill to amend title 18, United States Code, to provide that sexual predators on release start treatment and remain in treatment and incarcerated until cured or determined no longer to be a threat to society; to the Committee on the Judiciary.

By Mr. LANTOS (for himself, Mr. SHERMAN, Mr. FALEOMAVAEGA, Mr. ACKERMAN, and Mr. BERMAN):

H. Res. 434. A resolution condemning the continued sponsorship of international terrorism by Iran, and for other purposes; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

272. The SPEAKER presented a memorial of the Senate of the State of Georgia, relative to Senate Resolution 493 memorializing the United States Congress to support the implementation of a national missile defense system; to the Committee on Armed Services.

273. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 22 memorializing the United States Congress to request the appropriate officials at the United States Department of Education to review the federal laws and guidelines with respect to assuring that the approved use of Title I funds to address the educational needs of students is not jeopardized in cases in which the management and implementation of such funds by a local education agency are being examined; to the Committee on Education and the Workforce.

274. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 573 memorializing the United States Congress to appropriate impact aid funds to compensate school districts whose territories include U.S. military installations or bases for not receiving property tax revenues from the U.S. military installations or bases; to the Committee on Education and the Workforce.

275. Also, a memorial of the General Assembly of the State of Wisconsin, relative to

Assembly Resolution No. 46 memorializing the United States Congress that the members of the Wisconsin assembly request that the U.S. Congress and the President of the United States enact legislation that would define the political status options available to the U.S. citizens of Puerto Rico and authorize a plebiscite to provide for Puerto Ricans to make an informed decision regarding the island's future political status; to the Committee on Resources.

276. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 483 memorializing the United States Congress to applaud the selfless and heroic efforts of the thousands of firefighters and police officers across the United States who have aided the rescue efforts in New York, Arlington, Virginia, and Pennsylvania; to the Committee on the Judiciary.

277. Also, a memorial of the House of Representatives of the State of Alabama, relative to House Joint Resolution 12 memorializing the United States Congress that we hereby ratify the Seventeenth Amendment to the United States Constitution; to the Committee on the Judiciary.

278. Also, a memorial of the House of Representatives of the State of Alabama, relative to House Joint Resolution 13 memorializing the United States Congress that we hereby ratify the Twenty-Third Amendment to the United States Constitution; to the Committee on the Judiciary.

279. Also, a memorial of the House of Representatives of the State of Alabama, relative to House Joint Resolution 14 memorializing the United States Congress that we hereby ratify the Twenty-fourth Amendment to the United States Constitution; to the Committee on the Judiciary.

280. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 556 memorializing the United States Congress to pass important and much-needed legislation allocating funding locally to help combat the scourge of terrorism; to the Committee on Transportation and Infrastructure.

281. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Joint Resolution No. 54 memorializing the United States Congress to recognize the importance of inland waterway transportation to Illinois agriculture and to industry in the State, the region, and the nation, and that we urge Congress to authorize funding to construct 1,200-foot locks on the Upper Mississippi and Illinois River System; to the Committee on Transportation and Infrastructure.

282. Also, a memorial of the General Assembly of the State of Wisconsin, relative to Assembly Resolution 56 memorializing the United States Congress that the Wisconsin assembly formally recognizes the upper Mississippi River as a river of statewide of significance for natural, navigational, and recreational benefits; to the Committee on Transportation and Infrastructure.

283. Also, a memorial of the Senate of the State of Georgia, relative to Senate Resolution 482 memorializing the United States Congress to support the permanent repeal of the estate tax; to the Committee on Ways and Means.

284. Also, a memorial of the Senate of the State of Georgia, relative to Senate Resolution 496 memorializing the United States Congress to support the permanent repeal of the estate tax; to the Committee on Ways and Means.

285. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 27 memorializing the United States Congress to provide a tax credit to companies for the cost of converting from groundwater to reclaimed water and provide

interest free loans to municipalities to construct waste water treatment/reclamation projects; to the Committee on Ways and Means.

286. Also, a memorial of the General Assembly of the State of Wisconsin, relative to Assembly Resolution 52 memorializing that the members of the Wisconsin assembly respectfully request the U.S. Congress to leave the tax cuts in the Economic Growth and Tax Relief Reconciliation Act of 2001 (H.R. 1836) intact, to allow the implementation or acceleration of the the relief therein, and to add further tax relief measures if needed; to the Committee on Ways and Means.

287. Also, a memorial of the Legislature of the State of Alaska, relative to Legislative Resolve No. 48 memorializing the United States Congress that the Alaska State Legislature expresses gratitude to President George W. Bush, to the President's cabinet, and to the men and women of the United States armed forces for their leadership and sacrifice; jointly to the Committees on International Relations and Armed Services.

288. Also, a memorial of the Legislature of the State of Wyoming, relative to House Joint Resolution No. 5 memorializing the United States Congress that the Wyoming State Legislature endorses the establishment of a tribal health care services pilot program to study these areas of concern; jointly to the Committees on Resources and Energy and Commerce.

289. Also, a memorial of the Senate of the State of Kansas, relative to Senate Resolution No. 1826 memorializing the United States Congress that the Senate respectively urges the Congress of the United States to adopt legislation requiring the Medicare program to cover all oral cancer drugs; jointly to the Committees on Ways and Means and Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mrs. JONES of Ohio introduced a bill (H.R. 4863) for the relief of Rodney Allan Green and Wendy Sharon Green; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. KELLER, Mr. WELDON of Florida, Mr. DAVIS of Florida, Mr. BARR of Georgia, and Mr. ISAKSON.

H.R. 122: Mr. CULBERSON, Mr. STEARNS, and Mr. HOSTETTLER.

H.R. 144: Ms. DeLAURO.

H.R. 179: Mr. ROGERS of Michigan, Mr. WAXMAN, and Mr. GEORGE MILLER of California.

H.R. 270: Mr. HOEFFEL.

H.R. 303: Mr. HOEKSTRA.

H.R. 339: Mr. LaFALCE.

H.R. 356: Mr. ROGERS of Michigan and Mr. LUCAS of Kentucky.

H.R. 440: Mr. WILSON of South Carolina and Mr. HINCHEY.

H.R. 482: Mr. JONES of North Carolina.

H.R. 488: Mr. RAHALL, Mr. FROST, Mr. CLYBURN, Mr. CROWLEY, and Mr. BECERRA.

H.R. 582: Mr. PETERSON of Pennsylvania.

H.R. 599: Mr. FILNER, Ms. MCKINNEY, and Mr. WAMP.

H.R. 638: Ms. HARMAN.

H.R. 654: Mr. FARR of California.

H.R. 664: Mr. DINGELL, Mr. KINGSTON, Mr. PICKERING, and Mr. LYNCH.

H.R. 792: Mrs. CLAYTON.

H.R. 839: Mr. JACKSON of Illinois.
 H.R. 877: Mr. HOSTETTLER.
 H.R. 1073: Mr. DINGELL.
 H.R. 1090: Mr. FOLEY, Mr. BARTON of Texas, and Mr. LIPINSKI.
 H.R. 1108: Ms. MILLENDER-MCDONALD.
 H.R. 1127: Mr. BISHOP and Mr. PAYNE.
 H.R. 1182: Mr. DOOLITTLE, Mr. RAMSTAD, Ms. PRYCE of Ohio, Mr. EHLERS, and Mrs. KELLY.
 H.R. 1296: Mr. LUCAS of Kentucky.
 H.R. 1304: Mr. PETERSON of Pennsylvania.
 H.R. 1305: Mr. WALDEN of Oregon.
 H.R. 1324: Mr. TIERNEY.
 H.R. 1452: Ms. CARSON of Indiana and Ms. ROS-LEHTINEN.
 H.R. 1475: Mr. BECERRA and Mr. WYNN.
 H.R. 1532: Mr. ISRAEL.
 H.R. 1541: Mr. HASTINGS of Florida.
 H.R. 1555: Mr. SIMMONS.
 H.R. 1556: Mr. BLUMENAUER, Mrs. CAPPS, and Mr. MOLLOHAN.
 H.R. 1609: Ms. MCKINNEY.
 H.R. 1624: Mr. FATTAH, Mr. HOEFFEL, Mr. MCKEON, Mr. JOHNSON of Illinois, and Ms. DEGETTE.
 H.R. 1701: Ms. HART and Mrs. JO ANN DAVIS of Virginia.
 H.R. 1723: Mr. BASS, Mr. FATTAH, Mr. WEXLER, Mr. HOEFFEL, Mr. BECERRA, and Mr. BRYANT.
 H.R. 1769: Mr. PETERSON of Pennsylvania.
 H.R. 1808: Mr. CARSON of Oklahoma.
 H.R. 1823: Ms. ROS-LEHTINEN and Mr. KINGSTON.
 H.R. 1862: Mr. THUNE.
 H.R. 1935: Mrs. CHRISTENSEN, Mr. PITTS, Mr. GRUCCI, Mr. EHRLICH, and Ms. NORTON.
 H.R. 1950: Mr. CHAMBLISS and Mr. CRANE.
 H.R. 1966: Mr. HAYES, Mr. LINDER, and Mr. CRANE.
 H.R. 1987: Ms. DELAURO.
 H.R. 2117: Mr. CLYBURN.
 H.R. 2125: Mr. MEEHAN, Mr. SHOWS, and Mr. GONZALEZ.
 H.R. 2143: Ms. HART and Mr. BERRY.
 H.R. 2222: Ms. MILLENDER-MCDONALD.
 H.R. 2235: Mr. SHIMKUS.
 H.R. 2254: Mr. PETERSON of Pennsylvania.
 H.R. 2290: Mr. MCDERMOTT and Mr. BECERRA.
 H.R. 2316: Ms. ROS-LEHTINEN, Mr. PETERSON of Pennsylvania, and Mr. ISSA.
 H.R. 2355: Mr. MORAN of Virginia, Mr. WOLF, and Mrs. MORELLA.
 H.R. 2487: Mr. TIAHRT, Mr. LYNCH, Ms. KAPTUR, and Mr. PAYNE.
 H.R. 2520: Ms. SLAUGHTER, Mr. MALONEY of Connecticut, Mr. FARR of California, Ms. DELAURO, Mr. FALEOMAVAEGA, Ms. SOLIS, and Ms. BALDWIN.
 H.R. 2570: Mr. TRAFICANT and Mr. CONYERS.
 H.R. 2573: Ms. DELAURO, Mr. MORAN of Virginia, and Mr. LEWIS of Georgia.
 H.R. 2638: Mrs. THURMAN, Mr. MORAN of Virginia, Mr. JEFFERSON, Mr. MEEHAN, Mr. MOLLOHAN, and Mr. JACKSON of Illinois.
 H.R. 2677: Mr. MARKEY.
 H.R. 2692: Mr. OBERSTAR.
 H.R. 2765: Ms. WATERS.
 H.R. 2777: Ms. MCKINNEY and Mr. PAYNE.
 H.R. 2807: Mr. MARKEY.
 H.R. 2837: Mr. HOEFFEL.
 H.R. 2874: Mr. ETHERIDGE, Mr. MATHESON, Mr. MOLLOHAN, Mr. ENGEL, and Mr. GORDON.
 H.R. 2878: Mrs. KELLY.
 H.R. 2957: Mr. DUNCAN.
 H.R. 3037: Mr. PASCRELL and Mr. JACKSON of Illinois.
 H.R. 3109: Mr. MARKEY, Mr. GUTKNECHT, Mr. SANDERS, Mr. GARY G. MILLER of California, Mr. EHLERS, Mr. FILNER, and Ms. WOOLSEY.
 H.R. 3131: Mr. LYNCH.
 H.R. 3206: Mr. KENNEDY of Minnesota.
 H.R. 3223: Mr. NEY.
 H.R. 3230: Mr. PETERSON of Pennsylvania.
 H.R. 3312: Mr. LEWIS of Kentucky.

H.R. 3320: Mr. KIRK and Mr. TANCREDO.
 H.R. 3324: Ms. BERKLEY, Mr. HOLDEN, and Mr. CLEMENT.
 H.R. 3337: Mr. ENGEL, Mr. STRICKLAND, Mr. LOBIONDO, Mr. GRAHAM, Mr. MALONEY of Connecticut, Ms. BERKLEY, Mr. KANJORSKI, Mr. LUTHER, Ms. MCCARTHY of Missouri, Mr. BROWN of Ohio, Mr. LAFALCE, Mr. ROGERS of Michigan, Ms. DELAURO, and Mr. MCDERMOTT.
 H.R. 3414: Mr. MEEHAN, Mr. NEAL of Massachusetts, Ms. MILLENDER-MCDONALD, Mr. FRANK, and Mr. CAPUANO.
 H.R. 3430: Mr. SOUDER, Mrs. MORELLA, Mrs. KELLY, and Mr. ISAKSON.
 H.R. 3521: Mr. FOLEY and Ms. CARSON of Indiana.
 H.R. 3524: Mr. FATTAH and Mr. DELAHUNT.
 H.R. 3581: Mrs. CLAYTON.
 H.R. 3594: Mr. FILNER and Mr. SANDERS.
 H.R. 3710: Mr. MATSUI and Mr. FORD.
 H.R. 3719: Mr. MCGOVERN.
 H.R. 3741: Mr. BALLENGER, Mr. MOORE, Mr. FRANK, and Mr. HALL of Ohio.
 H.R. 3777: Mr. PAYNE and Mr. CASTLE.
 H.R. 3804: Mr. LOBIONDO, Mr. SHERMAN, Mr. LANTOS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. DELAURO, and Mr. FARR of California.
 H.R. 3808: Mr. SIMPSON.
 H.R. 3831: Mr. COSTELLO and Mr. JOHN.
 H.R. 3834: Mrs. CAPPS, Mr. HALL of Ohio, Mr. DELAHUNT, Mr. HONDA, and Mr. CLEMENT.
 H.R. 3883: Mr. REGULA.
 H.R. 3884: Mr. DOGETT.
 H.R. 3911: Mr. LUCAS of Kentucky.
 H.R. 3912: Mr. OLVER and Ms. MCKINNEY.
 H.R. 3917: Mr. KANJORSKI.
 H.R. 3973: Mr. MCHUGH, Mr. CRANE, Mr. KOLBE, Mr. COSTELLO, and Mr. RANGEL.
 H.R. 3992: Mr. BACA.
 H.R. 3995: Mr. HOLDEN.
 H.R. 4003: Mr. SANDERS.
 H.R. 4014: Ms. SCHAKOWSKY and Mr. KENNEDY of Rhode Island.
 H.R. 4018: Mr. BALDACCI, Mr. ABERCROMBIE, Ms. RIVERS, Mr. PAYNE, and Mr. PAUL.
 H.R. 4026: Mr. DUNCAN.
 H.R. 4032: Mr. ROTHMAN, Mr. KENNEDY of Rhode Island, Ms. WATERS, Mr. MASCARA, and Ms. MCKINNEY.
 H.R. 4066: Mr. UNDERWOOD, Mr. BACA, Mr. BERMAN, and Mr. WILSON of South Carolina.
 H.R. 4071: Mr. DAN MILLER of Florida and Mr. PENCE.
 H.R. 4072: Mr. QUINN, Mr. MCHUGH, Ms. DELAURO, Ms. MILLENDER-MCDONALD, and Mr. HOUGHTON.
 H.R. 4100: Mrs. LOWEY.
 H.R. 4180: Mr. CARDIN, Mr. BECERRA, Mrs. THURMAN, Mr. SNYDER, Mr. OLVER, Mr. FRANK, Mr. FROST, Mr. FARR of California, and Ms. RIVERS.
 H.R. 4205: Ms. KAPTUR, Ms. LEE, Mr. CONYERS, Mr. FROST, Mr. PRICE of North Carolina, Mr. OWENS, Ms. WOOLSEY, and Mr. FRANK.
 H.R. 4210: Mr. MARKEY.
 H.R. 4373: Ms. KILPATRICK.
 H.R. 4477: Mr. PICKERING.
 H.R. 4481: Mr. DEFazio and Mr. GIBBONS.
 H.R. 4483: Mr. CALVERT, Mr. CALLAHAN, Mr. FARR of California, Mr. CRAMER, Mr. MALONEY of Connecticut, and Mr. GORDON.
 H.R. 4555: Mr. PAUL, Mr. DAN MILLER of Florida, Mr. SAXTON, and Mr. HOSTETTLER.
 H.R. 4561: Mr. CALVERT.
 H.R. 4573: Mr. OLVER.
 H.R. 4582: Mr. OWENS and Mr. KENNEDY of Rhode Island.
 H.R. 4589: Mr. CALVERT.
 H.R. 4598: Mr. HAYWORTH, Mr. CROWLEY, and Mrs. ROUKEMA.
 H.R. 4604: Ms. CARSON of Indiana.
 H.R. 4620: Mr. GALLEGLY.
 H.R. 4634: Mr. SANDERS.
 H.R. 4635: Mr. HANSEN, Mr. WILSON of South Carolina, and Mr. KOLBE.

H.R. 4643: Ms. WOOLSEY.
 H.R. 4646: Ms. BALDWIN, Ms. WOOLSEY, Mr. LUTHER, Ms. NORTON, Mr. MARKEY, Mr. WEXLER, Ms. WATERS, Mr. ANDREWS, Mrs. CLAYTON, Mr. CROWLEY, Mr. OWENS, and Mr. LEWIS of Georgia.
 H.R. 4655: Mrs. MEEK of Florida, Mr. PAYNE, and Mrs. MINK of Hawaii.
 H.R. 4658: Mr. BACHUS and Mrs. JO ANN DAVIS of Virginia.
 H.R. 4664: Mr. LARSON of Connecticut, Mr. MOORE, and Mr. GUTKNECHT.
 H.R. 4687: Mr. McNULTY.
 H.R. 4698: Mr. LANGEVIN.
 H.R. 4701: Mr. PLATTS, Mr. LAHOOD, Mr. SIMPSON, Mr. CARSON of Oklahoma, Mr. JENKINS, Mr. SULLIVAN, Mr. WATKINS, Mr. WATTS of Oklahoma, Mr. TIAHRT, Mr. SHERWOOD, Mr. HERGER, Mrs. CUBIN, Mrs. WILSON of New Mexico, Mr. GREEN of Wisconsin, Mr. RYAN of Wisconsin, Mrs. BIGGERT, Mr. WELLER, Mr. KIRK, Mrs. JO ANN DAVIS of Virginia, Mr. RAMSTAD, Mr. COBLE, Mr. KENNEDY of Rhode Island, Mr. HAYWORTH, and Mrs. CAPPS.
 H.R. 4704: Mr. HINCHEY.
 H.R. 4709: Mr. ACKERMAN, Mr. SANDERS, and Ms. LEE.
 H.R. 4715: Ms. ROYBAL-ALLARD and Mr. SANDERS.
 H.R. 4719: Mr. DOOLITTLE and Mr. FALEOMAVAEGA.
 H.R. 4728: Mr. BLAGOJEVICH, Mr. HASTINGS of Florida, and Ms. MCKINNEY.
 H.R. 4730: Mrs. JONES of Ohio, Mrs. MINK of Hawaii, Ms. ROYBAL-ALLARD, Mr. PALLONE, Mr. SANDERS, and Ms. KAPTUR.
 H.R. 4754: Mr. PAYNE, Mrs. CUBIN, Mr. HILLIARD, Mrs. MINK of Hawaii, and Mr. BALDACCI.
 H.R. 4755: Mr. KUCINICH.
 H.R. 4760: Mr. GRAVES, Ms. KILPATRICK, and Mr. KILDEE.
 H.R. 4761: Mr. HONDA and Mr. PASCRELL.
 H.R. 4768: Ms. KAPTUR, Mr. OWENS, and Mr. FRANK.
 H.R. 4793: Mr. COOKSEY.
 H.R. 4795: Mr. OSBORNE, Mr. PETRI, Mr. SENSENBRENNER, Ms. BALDWIN, and Mr. KANJORSKI.
 H.R. 4799: Mr. SANDERS and Mr. BERMAN.
 H.R. 4810: Mr. CRANE, Mr. NEAL of Massachusetts, Ms. DUNN, and Mr. COLLINS.
 H.R. 4843: Mr. LATHAM, Mr. SHIMKUS, and Mr. BERRY.
 H.J. Res. 23: Mr. DUNCAN.
 H.J. Res. 92: Mr. BECERRA, Mr. NEAL of Massachusetts, and Ms. ROYBAL-ALLARD.
 H.J. Res. 93: Mr. AKIN.
 H. Con. Res. 3: Mr. MOORE.
 H. Con. Res. 119: Mr. SHIMKUS.
 H. Con. Res. 181: Mr. COSTELLO and Mr. DOOLITTLE.
 H. Con. Res. 197: Mr. BALDACCI and Mr. BARRETT.
 H. Con. Res. 238: Mr. SANDLIN.
 H. Con. Res. 291: Mr. SMITH of New Jersey and Mr. BECERRA.
 H. Con. Res. 333: Mr. PASCRELL.
 H. Con. Res. 340: Ms. MCKINNEY.
 H. Con. Res. 350: Mrs. CAPITO.
 H. Con. Res. 355: Mr. FRELINGHUYSEN and Mr. DOYLE.
 H. Con. Res. 364: Mr. OXLEY, Mr. FROST, Mr. KING, Mr. TERRY, Mr. SCHROCK, Mr. GARY G. MILLER of California, Mr. LOBIONDO, Mr. CUNNINGHAM, Mr. FALEOMAVAEGA, Mrs. MYRICK, Mr. HALL of Texas, Mr. KOLBE, and Ms. HART.
 H. Con. Res. 385: Mr. MCDERMOTT, Mr. HOYER, Mrs. NAPOLITANO, Ms. RIVERS, Ms. ROYBAL-ALLARD, Mr. VISCLOSKEY, Mr. LARSON of Connecticut, Mr. BAIRD, Mr. ALLEN, Mr. JACKSON of Illinois, Mr. CONYERS, Mr. INSLEE, Ms. BERKLEY, Mr. OLVER, Mr. FRANK, Mr. EDWARDS, Mr. MURTHA, Mr. MCGOVERN, Mrs. TAUSCHER, and Ms. WATERS.
 H. Con. Res. 394: Mr. LANTOS, Mr. DAVIS of Florida, and Mr. LEACH.

H. Con. Res. 401: Mr. BOOZMAN, Ms. SOLIS, Mrs. JONES of Ohio, Mr. KIRK, Mr. WEINER, Mr. PAYNE, Ms. MCKINNEY, Mr. HOLT, and Ms. DELAURO.

H. Con. Res. 402: Mr. GORDON.

H. Con. Res. 403: Mr. SANDERS, Mr. BALDACCI, Mr. TIERNEY, and Mr. FRANK.

H. Con. Res. 404: Ms. MILLENDER-MCDONALD, Ms. JACKSON-LEE of Texas, Ms. MCKINNEY, Mr. SANDERS, Mr. STARK, Mr. WAXMAN, Mrs. JONES of Ohio, and Mr. BROWN of Ohio.

H. Con. Res. 406: Mr. PETRI.

H. Res. 17: Mr. HASTINGS of Florida.

H. Res. 145: Mr. HOSTETTLER, Mr. WELDON of Pennsylvania, and Mrs. MORELLA.

H. Res. 393: Mr. ROTHMAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3479: Mr. SMITH of Washington.